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Florida, Laws, Statutes, etc.

TENTH SESSION, 1860--'61.

THE

ACTS AND RESOLUTIONS

ADOPTED BY THE

GENERAL ASSEMBLY OF FLORIDA,

AT ITS

TENTH SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF TALLAHASSEE, ON MONDAY, NOVEMBER 26, 1860.

PUBLISHED BY AUTHORITY OF LAW,
UNDER THE DIRECTION OF THE ATTORNEY GENERAL.

Tallahassee :

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1861.

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1860.

TITLES
OF
ACTS AND RESOLUTIONS
PASSED BY THE
TENTH GENERAL ASSEMBLY OF THE STATE OF FLORIDA,
1860-1.

- CHAPTER 1,094. An act to provide for calling a Convention of the State of Florida.
- 1,095. An act reorganizing the military forces of this State.
- 1,096. An act to amend the pleading and practice in the Courts of this State.
- 1,097. An act providing for the issue of Treasury notes.
- 1,098. An act to enlarge and define the jurisdiction and to establish certain rules of practice in the Courts of Equity of this State.
- 1,099. An act concerning replevin.
- 1,100. An act to amend the law of this State regulating the issue of the process of garnishment.
- 1,101. An act to amend the attachment laws now in force in this State.
- 1,102. An act relating to foreign guardians.
- 1,103. An act giving the State a right of peremptory challenge in criminal cases.
- 1,104. An act to amend an act to provide for writs of error in criminal cases.
- 1,105. An act in relation to crimes and misdemeanors.
- 1,106. An act to change the mode of selecting grand and petit jurors in this State.
- 1,107. An act to facilitate criminal prosecutions.
- 1,108. An act to vest the several Circuit Courts of this State

hereinafter named with the powers which were possessed by the late District Court of the United States for the Northern District of Florida, and to provide for a transfer of the records of the same and for other purposes.

- 1,109. An act to amend an act to provide for the payment of physicians who are summoned to attend Coroners' juries, approved January 11th, 1855.
- 1,110. An act to amend the 22d section of the act to provide for and encourage a liberal system of internal improvements in this State, approved January 6th, 1855.
- 1,111. An act requiring railroad companies to maintain proper cattle guards and railroad crossings.
- 1,112. An act fixing the pay of members of the General Assembly.
- 1,113. An act to alter and change the time of holding the several terms of the Supreme Court.
- 1,114. An act encouraging the formation of cavalry and mounted companies in this State for military service.
- 1,115. An act extending the time for making demands on railroad companies and for other purposes.
- 1,116. An act to provide for the service of civil process in certain cases.
- 1,117. An act to provide the mode and manner of giving notice in actions of ejectment.
- 1,118. An act entitled an act requiring certain statements to be made in the reports which the several banks in this State are required to make to the Governor or Comptroller of this State.
- 1,119. An act entitled an act to provide additional safeguards for person and property upon the railroads of this State.
- 1,120. An act providing for the maintenance of the light-houses on the seaboard.
- 1,121. An act to regulate fishing on the coast of the State of Florida.
- 1,122. An act entitled an act to amend the act of 1851, providing for the establishment of two seminaries of learning.
- 1,123. An act placing certain minor children under the guardianship and jurisdiction of the Probate Court.

- 1,124. An act for the better preservation of the State Judicial Library.
- 1,125. An act to amend the acts creating liens in favor of builders, material men, mechanics, laborers and others.
- 1,126. An act to punish breaches of trust by telegraphic operators.
- 1,127. An act to establish the fees of Notaries Public in certain cases.
- 1,128. An act to provide a remedy to enforce the lien of shipwrights, ship chandlers and others against ships, vessels, steamboats or other water crafts.
- 1,129. An act to prevent the collection of debts in certain cases.
- 1,130. An act to facilitate the express business.
- 1,131. An act providing for a State uniform and flag.
- 1,132. An act to provide for the payment of contractors surveying public land in this State.
- 1,133. An act to repeal in part the laws prohibiting intercourse with the Indians.
- 1,134. An act providing for the representation of this State in the Southern Confederacy.
- 1,135. An act to amend an act entitled an act to amend an act to authorize the appointment of Measurers and Inspectors of Lumber, and for other purposes.
- 1,136. An act providing for a stay of executions.
- 1,137. An act concerning the office of the Clerk of the Supreme Court of this State.
- 1,138. An act still further defining the duties of the Trustees of
- 1,139. An act to quiet titles and to prevent unjust legislation in the county of Escambia.
- 1,140. An act to amend an act to require licences to be taken out by persons and subjects not hitherto taxed, approved January 12, 1849.
the Internal Improvement Fund.
- 1,141. An act to authorize the issue of bonds to the extent of five hundred thousand dollars by the Commonwealth of Florida.
- 1,142. An act to establish the Planters' and Merchants' Bank of Pensacola.

- 1,143. An act supplemental to an act to establish the Planters' and Merchants' Bank of Pensacola.
- 1,144. An act to establish a Bank in the city of Apalachicola, to be called the Western Bank of Florida.
- 1,145. An act to establish the Commercial Bank of Lake City.
- 1,146. An act to establish the Bank of Tallahassee at Tallahassee.
- 1,147. An act to establish the Bank of Commerce at Fernandina.
- 1,148. An act for the relief of the Pensacola and Georgia Railroad Company and other Railroad Companies in this State.
- 1,149. An act to amend the charter of the Alabama and Florida Railroad Company in relation to the election of Directors.
- 1,150. An act to incorporate the Alachua County Railroad Company.
- 1,151. An act to incorporate the Lake City and Blunt Ferry Railroad Company.
- 1,152. An act to incorporate the Pensacola and Mobile Railroad and Manufacturing Company.
- 1,153. An act to incorporate a Company to construct a Railroad from St. Andrews Bay to some point on the line of Georgia and Alabama, in West Florida.
- 1,154. An act for the charter of a bridge across Bayou Texar, in the county of Escambia.
- 1,155. An act to incorporate the town of Campbellton.
- 1,156. An act to incorporate the town of Monticello.
- 1,157. An act to amend an act to incorporate the town of Marianna.
- 1,158. An act to amend the charter of the city of Fernandina.
- 1,159. An act to incorporate the German Saving and Building Association.
- 1,160. An act to charter the Southern Export and Import Company.
- 1,161. An act to incorporate the Marine and Fire Insurance Company of Pensacola.
- 1,162. An act to incorporate the Hydrant Water Company of Pensacola.
- 1,163. An act to incorporate the Pensacola Gas Light Company.

- 1,164. An act to incorporate the Florida Mutual, Fire and Marine Insurance Company.
- 1,165. An act to incorporate an Insurance Company in the city of Apalachicola, to be called the Florida Home Insurance Company.
- 1,166. An act to incorporate the Lavilla Institute near Jacksonville, Florida.
- 1,167. An act to incorporate the College of St. Augustine, to be located at St. Augustine, Florida.
- 1,168. An act to re-establish the records of the county of Columbia, and for other purposes.
- 1,169. An act to authorize the County Commissioners of Washington county to establish a Ferry across Holmes Creek at Vernon.
- 1,170. An act to authorize the Judge of the Middle Circuit of Florida to hold an extra term of the Circuit Court in Hamilton county.
- 1,171. An act to improve the navigation of the Apalachicola river and to reclaim the swamp and overflowed lands on said stream.
- 1,172. An act to provide against failure of representation from the counties of Monroe and Dade in the Convention.
- 1,173. An act to amend the road law, &c.
- 1,174. An act to change the times of holding the Circuit Courts in the Middle Judicial Circuit in the State of Florida.
- 1,175. An act to provide for the payment of the Florida Volunteers and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians.
- 1,176. An act to change the name of Big Spring creek, in Jackson county, to Spring river.
- 1,177. An act to compensate B. F. Whitner, Jr., for services in running the boundary line between the States of Florida and Georgia.
- 1,178. An act to relieve the Town Council of the town of Milton of the limits of fifty per cent. in taxation whether in the corporate limits of said town, and for other purposes.
- 1,179. An act to change the name of the county site of Holmes

- county from Hewett's Bluff to that of Cerro Gordo, and for other purposes herein expressed.
- 1,180. An act combining the offices of Sheriff and Tax-Assessor of Jefferson county.
- 1,181. An act to authorize the County Commissioners of the counties of Escambia and Santa Rosa to borrow money for the purpose of building a Court House and Jail.
- 1,182. An act permanently to locate the county site of Volusia county.
- 1,183. An act to amend the pilot laws for the port of Fernandina.
- 1,184. An act to amend an act entitled an act for the regulation of pilots and pilotage at the bay and harbor of Pensacola.
- 1,185. An act to organize a new county to be called Baker county.
- 1,186. An act to authorize the County Commissioners of Hillsborough county to borrow money, and for other purposes.
- 1,187. An act making Captain Simeon Sparkman a citizen of Columbia county.
- 1,188. An act to change the name of Thomas Jefferson Filmer Ault, of New River county, to Thomas Jefferson Filmer Johns, and for other purposes.
- 1,189. An act to amend the road law and to repeal a certain act relating to Santa Rosa county herein named.
- 1,190. An act to provide for the taking of marks and brands of cattle driven or shipped from the counties of Sumpter, Hillsborough and Manatee.
- 1,191. An act to authorize James Addison of Leon county to construct a dam across the Ocklocknee river in Leon county.
- 1,192. An act concerning pilotage for the port of Cedar Keys.
- 1,193. An act to change the time for holding the Circuit Courts for the Western Judicial Circuit.
- 1,194. An act to empower the Judges of Probate of Washington and Holmes counties to draw certain school funds.
- 1,195. An act to repeal so much of the act approved January 9th, 1859, as consolidates the offices of Sheriff and Tax Assessor and Collector in Wakulla county.

- 1,196. An act to permit A. E. Hodges to establish a ferry across the Withlacoochee river.
- 1,197. An act to authorize Joseph H. Rowe, William J. Keyser and other owners of wharf property at Milton, in Santa Rosa county, to establish and charge rates of wharfage.
- 1,198. An act to improve the navigation of Weekiva creek and Clay Spring river, and to reclaim swamp and overflowed lands on said stream.
- 1,199. An act to improve the navigation of Peas creek and to drain the swamp lands thereon.
- 1,200. An act to amend the act governing the County Commissioners of Nassau county in certain cases.
- 1,201. An act to organize the county of Polk from the counties of Hillsborough and Brevard.
- 1,202. An act to amend an act concerning roads and highways in St. Johns county in this State.
- 1,203. An act to amend the road laws of Nassau county.
- 1,204. An act relative to the common school fund of the counties of Washington and Holmes.
- 1,205. An act in relation to the common school fund of Santa Rosa county.
- 1,206. An act fixing the time of holding the Courts in the counties of Baker and Nassau.
- 1,207. An act to improve the navigation of Chipola river and for other purposes.
- 1,208. An act authorizing and directing the Secretary of State to furnish a seal of office for the Clerk of the Circuit Court of Columbia county.
- 1,209. An act to repeal an act authorizing a bridge tax in Walton county.
- 1,210. An act to regulate the compensation of pilots at the port of St. Marks.
- 1,211. An act to clean out and improve the navigation of Yellow river in West Florida.
- 1,212. An act to amend an act entitled an act to regulate the pilotage of St. Johns bar and river, approved January 1st, 1857.
- 1,213. An act for the defence of the port of Apalachicola.

- 1,214. An act to provide for the election of Tax Assessor and Collector for Sumpter county and for other purposes.
- 1,215. An act regulating the fees of Port Wardens of the city of Apalachicola, and for other purposes.
- 1,216. An act to prevent persons from penning or detaining stock without the consent of the owner in Nassau, Alachua, Wakulla and St. Johns counties.
- 1,217. An act regulating wharfage in the city of Apalachicola.
- 1,218. An act to locate the county site of Levy county.
- 1,219. An act respecting the sale of vinous or spiritous liquors to slaves or free persons of color in the city of Apalachicola and Fernandina.
- 1,220. An act to improve the navigation of the Withlacoochee river and to reclaim the swamp and overflowed lands on said stream.
- 1,221. An act providing for the punishment of such persons as pretend to hold office in this State not recognized by the laws thereof, and for other offences.
- 1,222. An act to authorize the Board of Port Wardens for the port of Jacksonville to appoint stevedores and for other purposes.
- 1,223. An act to reorganize the county of Brevard and for other purposes.
- 1,224. An act to authorize William J. J. Duncan and Elizabeth Zipperer to establish a toll bridge across the Suwannee and Alapaha rivers.
- 1,225. An act to amend the school laws of this State so far as have reference to the counties of Columbia, Suwannee, New River, Lafayette, Nassau and Sumpter.
- 1,226. An act for the relief of Clinton Thigpin.
- 1,227. An act for the relief of William H. Tanner.
- 1,228. An act for the relief of Donald Cameron, Justice of the Peace for Leon county.
- 1,229. An act for the relief of Satrenne Ramirez and other inhabitants of the county of Escambia.
- 1,230. An act to allow A. J. Baker, of the county of Volusia, to practice medicine in said county.
- 1,231. An act for the relief of Walton county relative to the school fund.

- 1,232. An act for the relief of Howell A. Baisden, former Sheriff and Tax Collector of the county of Putnam.
- 1,233. An act for the relief of Halstead H. Hoeg and his assignees.
- 1,234. An act to allow Mathew L. McKinney to assume the management of his own estate.
- 1,235. An act to change the name of Catherine A. Joiner.
- 1,236. An act for the relief of James McCormick.
- 1,237. An act for the relief of A. D. Rogero, Sheriff of St. Johns county.
- 1,238. An act to change the name of Nepey Williams to that of Nepey Cheshire.
- 1,239. An act to change the name of Martha Ann Barnes to that of Mary Harriet McClelland.
- 1,240. An act to authorize and empower Florida A. Stanley to assume the management of her own estate.
- 1,241. An act for the relief of James C. McArthur, former Sheriff of Santa Rosa county.
- 1,242. An act to permit Erasmus M. Thompson of Hillsborough county to practice law in the several Courts of this State.
- 1,243. An act for the relief of Edward M. West, Justice of the Peace for Leon county.
- 1,244. An act for the relief of George G. Holt and Thaddeus Rees of Wakulla county.
- 1,245. An act for the relief of Joseph B. Wood of Columbia county.
- 1,246. An act to authorize Henry G. Grovenstine, a minor, to plead and practice law.
- 1,247. An act to change the name of Thomas J. Danford to Thomas J. Cook, and for other purposes.
- 1,248. An act to make Senean Brown, wife of Henry Brown, a free dealer.
- 1,249. An act to change the name of Elizabeth Lovett.
- 1,250. An act for the relief of William G. Parker, Sheriff of Suwannee county.
- 1,251. An act for the relief of T. C. Bolling as administrator of the estate of R. A. Child, deceased.
- 1,252. An act for the relief of Gen. William E. Anderson and others.

- 1,253. An act for the relief of Joseph Atzerotte.
1,254. An act for the relief of James D. Smith.
1,255. An act making appropriations for the expenses of the State government for the fiscal year 1861.
1,256. An act making certain appropriations for the support of the Government.
1,257. An act for the relief of M. D. Papy and others.
An Act to amend the Seventh Section of the Thirteenth Article of the Constitution of this State.
An Act to amend the Amended Constitution of the State of Florida in relation to the Sessions of the General Assembly.

RESOLUTIONS.

1. Resolution authorizing the Governor and Treasurer to make temporary arrangements to meet the present expenses of the State.
2. Resolution relating to the cultivation of tropical plants.
3. Joint resolution.
4. Resolution authorizing the Governor to purchase arms, &c.
5. Resolution for the relief of A. J. Peeler.
6. Resolution for the relief of L. J. Fleming.
7. Resolution in relation to E. Powell and H. Douglas.
8. Resolution for the relief of A. L. Woodward.
9. Resolution in regard to land warrants.
10. Resolution in favor of N. J. McKimmon.
11. Resolution for the relief of Robert L. Bruce and others.
12. Resolution relative to State Librarian.
13. Resolution for the relief of A. B. Noyes and others.
14. Resolution for the relief of Dr. William L. Jones.

15. Resolution relative to the erection of a monument to Capt. John Parkhill in the Capitol Square.
16. Resolution relating to the Florida and Georgia boundary line.
17. Resolution for the relief of George B. Ellis, late Sheriff of Alachua county.
18. Resolution in relation to military laws.
19. Resolution for the benefit of the College of St. Augustine.
20. Resolution authorizing the payment of United States Treasury Warrant No. 5253.
21. Resolution concerning the public lands of this State.
22. Resolution for the relief of B. Frisbee and M. J. Murphy.
23. Resolution for the relief of John M. Erwin.

LAWS OF THE STATE OF FLORIDA,

PASSED AT THE

TENTH SESSION OF THE GENERAL ASSEMBLY,
1860-'61.



M. S. PERRY, Governor. F. L. VILLEPIGUE, Secretary of State. R. C. WILLIAMS, Comptroller of Public Accounts. C. H. AUSTIN, Treasurer. M. D. PAPY, Attorney General. T. J. EPPES, President of the Senate. B. F. PARKER, Secretary of the Senate. J. B. GALBRAITH, Speaker of the House. A. J. PEELER, Clerk of the House.



CHAPTER 1,094—[No. 1.]

AN ACT to provide for calling a Convention of the People of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That a Convention of the People of the State of Florida is hereby ordained to be assembled in the city of Tallahassee, on Thursday, the third day of January, Anno Domini one thousand eight hundred and sixty-one, for the purpose of taking into consideration the dangers incident to the position of this State in the Federal Union, established by the Constitution of the United States of America, and the measures which may be necessary and proper for providing against the same, and to amend the Constitution of the State of Florida, so far as the same, in the judgment of said Convention, may be necessary, and thereupon to take care that the Commonwealth of Florida shall suffer no detriment.

Convention of
the People of
the State of Flo-
rida called.

Purpose of the
Convention.

SEC. 2. *Be it further enacted,* That an election for members of the said Convention shall be held at the several election precincts in this State, on Saturday, the twenty-second day of December, Anno Domini one thousand eight hundred and sixty, and said election shall be governed by the same rules, and returns shall be made in the same manner prescribed by law for elections for members of the General Assembly of this State.

Time and man-
ner of election
of members.

Returns.

1860.

Manner of representation.

Pay and mileage of members.

Vacancies how filled.

Quorum.

Expenses how paid.

Ordinances of Convention the supreme law of the State.

Governor to issue proclamation.

Adjutant General to prepare blank lists of enrollment.

SEC. 3. *Be it further enacted*, That each Senatorial District in this State shall be entitled to elect one member to said Convention; each county entitled to separate representation in the lower House of the General Assembly shall be entitled to elect the same number of members to the said Convention to which said county is entitled in the House of Representatives of the General Assembly; and where two or more counties together constitute one representative District in the General Assembly, then said counties shall together be entitled to elect the same number of members to the said Convention to which they are entitled in the House of Representatives of the General Assembly. The members of the said Convention shall be entitled to the same pay and mileage allowed to the members of the General Assembly, and all citizens of the State of Florida entitled to the right of suffrage shall be eligible to the said Convention.

SEC. 4. *Be it further enacted*, That should any vacancy occur in the said Convention, it shall be the duty of the several Judges of Probate of the county or representative District from which said vacancy did occur to order an election to fill said vacancy, giving five days notice thereof.

SEC. 5. *Be it further enacted*, That a majority of said Convention shall be a quorum to do business. They may employ such officers and incur such expenses as may in their opinion be necessary, which expenses shall, upon the certificate of the President of the said Convention, be audited by the Comptroller of Public Accounts and paid by the Treasurer; and the ordinances of said Convention shall be the supreme law of the State of Florida, anything elsewhere to the contrary notwithstanding.

SEC. 6. *Be it further enacted*, That the Governor of this State shall issue his proclamation to have this act carried into effect, and shall have the said proclamation published in every newspaper printed in this State, and give such further notice as will, in his opinion, insure the greatest publicity.

Passed the Senate November 28, 1860. Passed the House of Representatives November 29, 1860. Approved by the Governor November 30, 1860.

CHAPTER 1,095—[No. 2.]

AN ACT re-organizing the Military Forces of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Adjutant General of this State, immediately after the passage of this act, to cause to be prepared blank lists of enrolment, which shall be headed as follows, viz:

1860.

Form of lists—
Obligation.

We, the undersigned residents of _____ county, in the State of Florida, do solemnly promise and agree, that we will, on five days notice, or in less time, if practicable, repair to any place of rendezvous which may be lawfully designated, and there be mustered into the service of the State, subject to the articles of war of the State of Florida, and so continue for a period not exceeding six months.

Which lists he shall cause to be distributed to every Captain and Lieutenant in commission in the State of Florida.

SEC. 2. *Be it further enacted*, That it shall be the duty of all persons who shall receive the said lists, immediately to canvass for signatures to the same, taking care, as far as may be, to prevent any person from enrolling himself on more than one of said lists, and refusing the signature of all persons manifestly unable to do military duty, and also of all boys under the age of fifteen years; which said lists, with the signatures thereto, shall be taken in duplicate, verified by the attestation of the person taking the same, and one copy thereof to be sent or delivered to the Colonel of the Regiment of which said officer is a member, and the other to the Adjutant General of the State, on or before the fifteenth day of April.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Adjutant General of the State, so soon as said list of enrolment shall have been received by him, to ascertain the number of individuals who shall so have enrolled themselves as aforesaid, and divide the same into Companies, Regiments and Brigades, according to the geographical position, assigning not less than sixty-four nor more than one hundred men to each Company, and ten Companies to a Regiment; and that so much of the present Militia laws as limits the number of Companies in any Regiment of Volunteer Cavalry to eight Companies, be and they are hereby repealed, and such Regiments shall consist of not more than ten Companies; and all the returns, reports, &c., of every Volunteer Regiment, shall be made directly to the Adjutant General's office, and its Regimental muster shall be once a year, at such time and place as the Governor or Brigadier General herein provided for shall by order direct.

SEC. 4. *Be it further enacted*, That so soon as the said distribution shall be made, it shall be the duty of the Adjutant General to publish the muster roll of each Company in each newspaper published in the geographical district occupied by said Company, if any, and if none, then in some newspaper published nearest thereto, and at the same time order an election to be held on the first day of April, 1861, for a Captain and two Lieutenants in each Company, a Colonel, Lieutenant Colonel and Major in each Regiment, to which offices any citizen of the State of Florida or any commissioned officer of the late United States Army,

Lists to be distributed to captains and lieutenants.

Persons receiving lists to canvass for signatures to the same.

Persons who may not enroll themselves.

Signatures to be taken in duplicate.

Verification of lists.

Copy of lists to be sent to the Colonels of Regiments & Adjutant General.

Adjutant General to ascertain the number of persons enrolled and divide them into companies, regiments and brigades.

Number of men in company.

Regiment, what shall constitute.

Returns to be made to Adj. General's office.

Regimental muster.

Publication of muster roll.

Election of Colonel, Captains, &c.

Who eligible.

1860.

Right of suffrage.

Governor may appoint Brigadier General.

Term of officers

Brigadier General to appoint his staff.

Colonel to appoint Adjutant of Regiment.

Volunteer company or regiment may enrol as a body.

May preserve distinct organization.

Substitute how furnished.

Pay of volunteers in actual service.

Surgeon how commissioned.

Pay and rank of surgeon.

Medicines.

Officer in commission to procure medical attendance.

who shall have resigned his commission in such Army and tendered his services to the Governor of this State, shall be eligible, whether enrolled in said list or not, but the right of suffrage shall be confined exclusively to said enrolled men, and to Volunteer Companies as hereinafter provided; and the Governor may, by and with the advice of the Senate, appoint a Brigadier General for the forces herein provided for, and for all the forces which now are or may hereafter be called into service of the State, who, together with all the other officers herein provided, shall hold their offices for two years only, and until their successors are elected or appointed and qualified.

SEC. 5. *Be it further enacted*, That from the officers holding commissions from this State, or in its actual service or employ, or the army or marine officers of the late United States who may have tendered their services to the Governor of the State, so elected, the Brigadier General shall appoint two aids-de-camp and one Assistant Adjutant General, who shall constitute his entire staff, and Colonels of Regiments shall, from the Lieutenants under their command, appoint one Adjutant, and said officers shall receive no additional pay or emoluments or increase of rank on account of their staff appointments.

SEC. 6. *Be it further enacted*, That every volunteer company or regiment, either Cavalry, Infantry or Artillery, now organized or to be hereafter organized, may enrol themselves as a body to the number of thirty-two men or more to each company, as is provided by the first and second sections of this act, under their own officers, and after being so enrolled, they shall preserve their distinct organization and may vote for field officers.

SEC. 7. *Be it further enacted*, That any person so enrolled may, when called into actual service, furnish an able bodied substitute.

SEC. 8. *Be it further enacted*, That all officers and privates in the actual service of this State shall receive the same pay as officers and privates of the same rank and arm are paid by the late United States.

SEC. 9. *Be it further enacted*, That when troops are called into actual service, it shall be lawful for the Governor to commission a Surgeon for each company of not less than sixty-five men, who shall receive the pay and emolument, and have the rank of a first lieutenant in the service of the State of Florida, and every surgeon so appointed shall be allowed the actual cost of all medicines, &c., purchased or consumed, and the amount of expenses in attending the sick, procured by him, by and with the approbation of the officer in command of troops to which he is attached; and whenever any troops have no surgeon accompanying them, the commander of said troops shall have power to procure the needful medical attention for the same.

1860.

SEC. 10. *Be it further enacted*, That every volunteer company of either infantry or cavalry may organize a portion of their men into an artillery squad of not less than eight men, and the Captain of said company may detail one of the sergeants of said Company to the command thereof; and when said squad consists of sixteen men there shall also be detailed thereto one of the corporals of said company, and when said squad consists of twenty-five men, one of the lieutenants of said company shall be detailed to the command thereof, and whenever the artillery squad of any company amounts to over thirty-two men they may at their discretion organize into a separate company; *Provided*, such separate organization shall not reduce the original company below the minimum number of sixty-four men.

Artillery squad, how organized and officered.

May organize separate company.

Proviso.

SEC. 11. *Be it further enacted*, That all officers in the service of the State, of the same rank, whether artillery, cavalry, or infantry, shall have precedence according to the date of their commission, and where two or more commissions for the same rank are issued in the same day and with the same date, they shall be numbered 1, 2, 3, &c., &c., and a record of the same kept, which numbers shall be determined by lot drawn by the Adjutant General in the presence of at least two commissioned officers, who shall certify to the result.

Rank and precedence of officers, how determined.

SEC. 12. *Be it further enacted*, That there shall be established an Adjutant General's department, and an Adjutant General shall be appointed by the Governor by and with the advice and consent of the Senate, who shall hold his office for two years, and who shall have the rank and title of Captain, and receive the pay and emoluments of a Captain in the service of the State of Florida; he shall keep an office in the Capitol; all military commissions shall be countersigned by him, and sealed with a seal having thereon the same device and motto adopted for the State flag, which seal he is hereby required to provide, and [a] register of the same shall be kept; all military orders issued by the Governor shall pass through his office, and shall be duly recorded by him in a book to be kept for that purpose, and shall be countersigned by him to give them validity; he shall keep a complete record of all the proceedings in his office, and of all military movements of troops in the service of the State; he shall not absent himself from the seat of the Government at any time without leave of the Governor, and shall only be deprived of his office by sentence of Court Martial. In case of any vacancy in the office of Adjutant General, when the General Assembly is not in session, the Governor shall have power to detail an officer to discharge the duties of said office until the same is filled by regular appointment.

Adjutant General's office established.

Adjutant General, how appointed.

Term of office.—Rank.

Pay of Adjutant General's office.

Military commissions to be countersigned by Adj. Genl., seal, &c.

Military orders to pass through office of Adj. Genl. and be recorded.

Record of proceedings and movement of troops.

Adj. General shall not absent himself without leave of Governor.

Deprived of office by court martial.

Governor may fill vacancy by appointment.

Ordnance Department established.

SEC. 13. *Be it further enacted*, That there shall be established an ordnance department, and a Captain of ordnance shall be

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Captain of Ordnance, how appointed.

Term of office.

Pay.

Office in Capitol

Orders concerning arms.

Duties of Capt. of Ordnance.

Bond for return of arms.

Sergeant of Ordnance appointment, pay, &c.

Capt. of Ordnance shall not leave seat of government.

Not to be deprived of office except by court martial.

Governor to fill vacancy.

Adj. General to appoint Paymaster and Qr. Master for companies.

Adj. General to appoint Paymaster and Qr. Master of regiments.

Compensation of Sergeants.

appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for two years, and who shall receive the pay and emoluments of a Captain in the service of the State of Florida; he shall keep an office in the Capitol, and all orders concerning arms and munitions of war shall pass through his office and be duly recorded by him; he shall be charged with the safe keeping of all the arms and munitions of war belonging to the State of Florida, and before any arms are issued to any Volunteer Company not in actual service, he shall exact from said company a bond to return the same in good order when called for; he shall take an inventory of all the arms and munitions of war belonging to the State now in the possession of volunteers or others not in actual service, and either deprive said persons of the said arms or munitions, or exact the bond aforesaid for their return in good order. When troops are called in actual service he shall issue to them arms and munitions of war, upon the written requisition of the commanding officer, taking the receipt of said officer therefor, and to accompany each company, he shall detail a Sergeant of ordnance, who shall receive the pay and emoluments of a Sergeant in the service of the State of Florida, and whose special duty it shall be, subject to the supervision of the commanding officer of said company, to see that the arms and munitions of war, belonging to the same, are properly cared for; the Captain of ordnance shall not leave the seat of government without permission from the Governor; he shall not be deprived of his office, except by sentence of Court Martial; and in case of vacancy, when the General Assembly is not in session, the Governor may detail an officer to discharge the duties of Captain of ordnance until the next session of the General Assembly.

SEC. 14. *Be it further enacted*, That whenever troops are actually ordered into the service of the State of Florida, it shall be the duty of the Adjutant General to detail one of the Sergeants of each company, doing separate service, to discharge the combined duties of Paymaster and Quartermaster for said company, and where two or more companies are serving together, the Adjutant General shall detail one of the Lieutenants of said companies to discharge said duties; and where two or more regiments are serving together, the said Adjutant General shall detail one of the Captains thereof to discharge said duties, and the said officers so detailed shall, without regard to their lineal rank, be subordinate to the Adjutant General in all matters appertaining to their duties as Quartermaster and Paymaster, shall receive orders from him and report to him, and shall, for their services, while discharging the duties aforesaid, receive an increase of twenty-five per cent. on their compensation as such Sergeant, Lieutenant or Captain.

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SEC. 15. *Be it further enacted*, That whenever in case of actual invasion or from any other cause, the military forces of this State shall be called into actual service, the lineal rank of all officers and their pay and emoluments shall correspond with the number of troops in the command, that is to say, an officer in command of sixty-four men or less shall rank as Captain only, and the rest in regular gradation, and receive pay accordingly; if more than sixty-four men, and less than one hundred and twenty-eight are in the command, the same shall be divided into two companies, and the highest in rank shall rank as a Major, and the residue in regular gradation; *Provided, however*, That this section shall not be so construed as to reduce the lineal rank or pay of any Colonel, Lieutenant-Colonel, Major, Captain or Lieutenant, when such officer or officers shall have under his or their command the minimum number of men requisite to give him or them his or their legitimate rank from his or their own regiment, battalion or company.

Officers in actual service rank and pay to correspo'd with num'r of troops in command.

When company to be divided.

Rank of officers.

Proviso as to rank and pay of officers.

SEC. 16. *Be it further enacted*, That the Governor shall have the right to detail any number of commissioned officers as his Aids, but said Aids shall receive no increase of rank or emolument therefrom, nor shall any order emanating from them be respected or obeyed, unless directly authorized by the Governor.

Governor's Aids

SEC. 17. *Be it further enacted*, That nothing herein contained shall be construed as vacating the commission of any militia or volunteer officer, now in commission, but the present Adjutant General, and all other officers now in existence or herein provided for, shall discharge the duties heretofore and herein devolved upon said officers, until their commissions become vacant by death, resignation, promotion, or sentence of Court Martial.

Volunteer and militia officers not vacated by this act.

SEC. 18. *Be it further enacted*, That the Governor shall also detail a Board of Commissioned officers to be composed of not less than seven of the rank of Captain and above, to adopt rules for the Government of this State when in actual service; and until such Committee report, and the report be approved by the Commander-in-Chief, the rules, regulations and articles of war of the late United States Army, in force in the year 1857, as embodied in the army regulations published under authority of Jefferson Davis, the then Secretary of War, shall be in force in this State.

Governor to detail Board of Commissioned Officers to adopt rules, &c.

Rules and articles of war of the U. States adopted *pro tem*

SEC. 19. *Be it further enacted*, That whenever the offices of Paymaster General, Quartermaster General, Surgeon General, Judge Advocate, and Major General, become vacant, they shall be abolished, and all the duties of the said staff-officers shall be discharged by the Adjutant General, and the Brigadier General herein provided for shall, under the Governor, become the Commanding General of the Militia, and all the military forces in the service of this State.

Offices of Governor's Staff abolished.

Adj't. General to discharge duties of same.

Brig. General to be commanding General of military forces.

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Officer entitled to command troops in actual service.

Governor authorized to confer brevet rank for certain purposes.

Act of Dec. 22, 1859, repealed in part.

Act of Dec. 27, 1845, re-enacted in part.

9th and 16th sections of Act of Dec. 22, 1859, repealed.

Governor authorized to raise two regiments of infantry and one of cavalry.

Captains may employ musicians, &c.

Cavalry to be organized into squadrons, at discretion of Governor.

Time of organization and pay of regiments.
Term of service.

Penalty for failure to discharge duties of Inspector of Militia Election.

SEC. 20. *Be it further enacted*, That the officer highest in rank holding a commission from this State shall at all times be entitled to the command of all troops employed in actual service under the authority or by the consent of this State, within the boundaries and on the soil thereof, and for that purpose and that only, the Governor be, and he is hereby authorized to confer such brevet rank by commission as may be necessary, such brevet rank to expire with the emergency that required it.

SEC. 21. *Be it further enacted*, That so much of an act entitled "an act to amend the Militia and Patrol laws of this State," approved by the Governor December 22, 1859, as provides for the trial and punishment of infractions of the militia laws of this State, be, and the same is hereby repealed; and so much of "an act entitled an act to organize the militia of the State Florida," approved by the Governor December 27th, 1845, as provides for the trial and punishment of infractions of the militia laws of this State, be, and the same is hereby re-enacted in so far as it is not inconsistent with the provisions of this act, and hereafter all offences against the militia laws of this State shall be tried and punished in accordance with the provisions of said last mentioned act.

SEC. 22. *Be it further enacted*, That from and after the passage of this act, the 9th and 16th sections of an act entitled "an act to amend the Militia and Patrol Laws of this State," approved December 22, 1859, be, and the same is hereby repealed.

SEC. 23. *Be it further enacted*, That the Governor be, and he is hereby authorized to raise immediately two regiments of Infantry and one of Cavalry or Mounted Riflemen, to be officered and paid, and the officers to be elected as is herein provided, and when in service the captains of companies may employ for each company two musicians to have the same pay of privates, and for each horse company one farrier and one blacksmith to have the pay of corporals, and such Cavalry or mounted Riflemen shall be organized into squadrons or a regiment, as the Governor in his discretion may determine.

SEC. 24. *Be it further enacted*, That said regiments shall be organized immediately, but their pay shall not commence until they are ordered into actual service, which service shall continue for six months unless sooner discharged.

SEC. 25. *Be it further enacted*, That whenever any person shall be appointed an inspector of militia elections in accordance with the laws of this State, and shall fail or refuse to discharge the duties of such inspector as required by law, he shall be liable to court martial, and to such penalties as may be imposed by such court martial.

SEC. 26. *Be it further enacted*, That upon receiving the returns from any officer certifying the election of any person to

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any office of the militia in the State as provided by law, it shall be the duty of the Adjutant General to notify the officer elect and to require him to accept or decline said office, and if said officer accepts, to issue to him a commission, and if not, to notify the Governor, who shall thereupon promote the officer next highest in rank, (if there be one,) to fill the vacancy, and if there be none, to appoint an officer to the same.

Adj. General to notify officer of his election.

Governor may promote to fill vacancy.

SEC. 27. *Be it further enacted*, That all sums collected by any court martial now provided for, or hereafter to be provided for, by law, for the non-performance of militia duty, shall be paid over to the Captain of the beat, if a company court martial; to the commanding officer of a regiment, if a regimental court martial; to the commanding officer of the brigade, if a brigade court martial, and to the commanding officer of the division, if a division court martial; to be paid over by such officer to the Paymaster General, and every such officer who shall fail to pay over each current quarter, all such sums which they may respectively have in their hands, shall be subject to a fine of not less than fifty dollars and the amount so retained, to be imposed by courts martial.

Sums collected by court martial how to be paid over and to whom.

Penalty for failure to pay over.

SEC. 28. *Be it further enacted*, That no captain shall have the power to order out his company more than four times in a year, except in cases of invasions or insurrections, or unless he shall be required to do so by his superior officers.

Captains limited as to the number of musters of his company.

SEC. 29. *Be it further enacted*, That the Captains and commissioned officers of each company shall constitute a Court Martial to receive and determine upon the sufficiency of excuses for failure to muster at any parade of said company, and in all cases where sufficient excuses are not rendered, the said court martial shall impose upon such defaulters the penalty now provided by law.

Court martial to determine upon excuses for failure to muster.

Penalty for failure to muster.

SEC. 30. *Be it further enacted*, That every private shall be exempt from militia duty for one year, unless in time of war or insurrection, upon his paying into the hands of the Captain of the company to which he belongs, six dollars, and it shall be the duty of the Captain of said Company to keep a list of the persons so exempted from militia duty, and to forward a copy of said list, together with the amount so collected, to the Paymaster General quarterly, under the penalty of fifty dollars, together with the sum by him unlawfully detained, which shall be recovered before courts martial against said Captain.

Exemption from militia duty by payment of exemption money.

Captain to keep list of persons exempted and pay over amount collected by him.

SEC. 31. *Be it further enacted*, That the Governor, whenever the public interest requires it, is hereby authorized to assign any officer to duty.

Governor may assign officers to duty.

SEC. 32. *Be it further enacted*, That the Board provided by the 18th Section of this act shall adopt rules prescribing the mode and manner of drafting men into the public service when,

Board of Commissioned Officers to prescribe the mode and manner of drafting.

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Substitutes.

Volunteer companies may adopt rules and by-laws and may impose additional fines, &c.

Sentence of company court martial shall have the effect of judgment.

Fines to be retained by volunteer companies.

from a defect of volunteers or from any other cause, it may be necessary to draft men, and all persons liable to militia duty so drafted shall be subject to all the provisions, rules and regulations adopted for the government of men voluntarily entering into the military service; but each drafted man shall have the right to furnish an able-bodied substitute.

SEC. 33. *Be it further enacted*, That all volunteer companies, when not in actual service, may adopt such additional rules and regulations for their government, and impose such additional fines and penalties upon their members as they deem proper, and may prescribe by by-laws how their company Court Martials shall be held, and fines and penalties imposed and collected; and any sentence of such company Court Martial shall have the force and effect of a sentence or judgment of the Circuit Court, and may be enforced by an execution or imprisonment as they by by-law may provide; and such fines shall be retained by such volunteer company for its exclusive use.

Passed the House of Representatives February 12th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,096—[No. 3.]

AN ACT to amend the Pleading and Practice in the Courts of this State.

Form of action need not be mentioned in writ of summons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall not be necessary to mention any form of action in any writ of summons, or in any notice of writ of summons, issued from the Courts of this State.

Form of writ of summons, mistake or inadvertence in, how amended.

SEC. 2. *Be it further enacted*, That if the form of writ of summons shall by mistake or inadvertence be substituted for any other of them, such mistake or inadvertence shall not be an objection to the writ or any other proceeding in such action, but the writ may, upon an *ex parte* application to a Judge, whether before or after any application to set aside such writ or any proceeding thereon, and whether the same or notice thereof shall have been served or not, be amended by such Judge without costs.

Particulars of demand, what may be considered.

SEC. 3. *Be it further enacted*, That in all cases where the defendant resides within the jurisdiction of the Court, and the claim is for a debt or liquidated demand in money, with or without interest, arising upon a contract express or implied, as, for instance, on a bill of exchange, promissory note or other simple contract debt, or on a bond or contract under seal for payment of a liquidated amount of money, or on a statute, where the sum sought to be recovered is a fixed sum, or in the nature of a debt,

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or on a guarantee, whether under seal or not, where the claim against the principal is in respect of such debt or liquidated demand, bill, cheque or note, the plaintiff shall be at liberty to make upon the writ of summons and copy thereof a special endorsement of the particulars of his claim; and when a writ of summons has been endorsed in the form heretofore mentioned, the endorsement shall be considered as particulars of demand, and no further or other particulars of demand need be delivered, unless ordered by the Court or a Judge.

SEC. 4. *Be it further enacted*, That the defendant may appear at any time before judgment, and if he appear after the time specified either in the writ or summons, upon notice thereof given to the plaintiff or his attorney, he shall be in the same position as to the pleadings and other proceedings in the cause as if he had appeared in time: *Provided always*, That a defendant appearing after the time appointed shall not be entitled to any further time for pleading, or any other proceeding than if he had appeared within such appointed time.

Defendant may appear at any time before judgment.

Proviso.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Court or Judge, at any time before the trial of any cause, to order that any person or persons not joined as plaintiff or plaintiffs in such cause, shall be so joined, or that any person or persons originally joined as plaintiff or plaintiffs shall be struck out from such cause, if it shall appear to such Court or Judge that injustice will not be done by such amendment, and that the person or persons to be added as aforesaid consent, either in person or by writing or by attorney, to be so joined, or that the person or persons to be struck out as aforesaid consent in manner aforesaid to be so struck out, and such amendment shall be made upon such terms as to the amendment of the pleadings, (if any,) postponement of the trial and otherwise, as the Court or Judge by whom such amendment is made shall think proper, and when any such amendment shall have been made, the liability of any person or persons who shall have been added as co-plaintiff or co-plaintiffs shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in such cause.

Parties plaintiff joined or struck out at discretion of Court by consent.

SEC. 6. *Be it further enacted*, That in case it shall appear at the trial of any action that there has been a misjoinder of plaintiffs, or that some person or persons, not joined as plaintiff or plaintiffs, ought to have been so joined, and the defendant shall not, at or before the time of pleading, have given notice in writing that he objects to such non-joinder, specifying the name or names of such person or persons, such misjoinder or non-joinder may be amended at the trial by any Court of record holding plea in civil action, if it shall appear to such Court or Judge that such misjoinder or non-joinder was not for the purpose of obtaining

Misjoinder or non-joinder by plaintiffs may be amended at trial by the Court by consent.
Notice.

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an undue advantage, and that injustice will not be done by such amendment, and that the person or persons to be added as aforesaid consent either in person or by attorney to be so joined, or that the person or persons to be struck out as aforesaid were originally introduced without his, her or their consent, or that such person or persons consent in manner aforesaid to be so struck out, and such amendment shall be made upon such terms as the Court or Judge, by whom such amendment is made, shall think proper, and when any amendment shall have been made, the liability of any person or persons who shall have been added as co-plaintiff or co-plaintiffs shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in such action.

Plaintiff may amend writ and other proceedings without order before plea in abatement of non-joinder.

SEC. 7. *Be it further enacted*, That in case such notice be given, or any plea in abatement of non-joinder of a person or persons as co-plaintiff or co-plaintiffs, in cases where such plea in abatement may be pleaded by the defendant, the plaintiff shall be at liberty, without any order, to amend the writ and other proceedings before plea, by adding the name or names of the person or persons named in such notice or plea in abatement, and to proceed in the action without any further appearance, on payment of the costs of, and occasioned by such amendment only, and in such case the defendant shall be at liberty to plead *de novo*.

Mis-joinder of defendants amended by Co't at discretion at any time before trial.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Court or a Judge in the case of the joinder of too many defendants in any action, at any time before the trial of such cause, to order that the name or names of one or more of such defendants be struck out, if it shall appear to such Court or Judge that injustice will not be done by such amendment; and the amendment shall be made upon such terms as the Court or Judge by whom the amendment is made shall think proper; and in case it shall appear at the trial of any action that there has been a misjoinder of defendants, such misjoinder may be amended at the trial, in like manner as the misjoinder of plaintiffs has been heretofore directed to be amended, and upon such terms as the Court or Judge, by whom such amendment is made, shall think proper.

Writ of summons and declaration may be amended on plea in abatement for non-joinder.

SEC. 9. *Be it further enacted*, That in any action where the non-joinder of any person or persons as a co-defendant or co-defendants has been pleaded in abatement, the plaintiff shall be at liberty, without any order, to amend the writ of summons and the declaration, by adding the name or names of the person or persons named in such plea in abatement, and to serve the amended writ upon the person or persons named in such plea in abatement, and to proceed against the original defendant or defendants and the person or persons so named in such plea in abate-

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ment: *Provided*, That the date of such amendment shall, as between the person or persons so named in such plea in abatement and the plaintiff, be considered for all persons as the commencement of the action.

Proviso.

SEC. 10. *Be it further enacted*, That in all cases after such plea in abatement and amendment, if it shall appear upon the trial of the action that the person or persons so named in such plea in abatement was or were jointly liable with the original defendant or defendants, the original defendant or defendants shall be entitled to the costs of such plea in abatement; but if at the trial it shall appear that the original defendant or any of the original defendants is or are liable, but that one or more of the person or persons named in such plea in abatement is or are not liable, the plaintiff shall nevertheless be entitled to judgment against the other defendant or defendants, who shall appear to be liable; and every defendant who is not so liable shall have judgment, and shall be entitled to his costs against the plaintiff, who shall be allowed the same, together with the costs of the plea in abatement and amendment as costs in the cause against the original defendant or defendants, who shall have so pleaded in abatement the non-joinder of such person: *Provided*, That any such defendant who shall have so pleaded in abatement shall be at liberty on the trial to adduce evidence of the liability of the defendants named by him in such plea in abatement.

Costs of plea in abatement.

Judgment ag't other defendants, &c.

Proviso.

SEC. 11. *Be it further enacted*, That in any action brought by a man and his wife for an injury done to the wife, in respect of which she is necessarily joined as co-plaintiff, it shall be lawful for the husband to add thereto claims in his own right, and separate actions brought in respect of such claims may be consolidated, if the Court or a Judge shall think fit: *Provided*, That in case of the death of either plaintiff, such suit, so far only as relates to the causes of action, if any, which do not survive, shall abate.

Man and wife, actions by, for separate claims may be consolidated.

Proviso in case of death.

SEC. 12. *Be it further enacted*, That causes of action, of whatever kind, provided they be by and against the same parties and in the same rights, may be joined in the same suit; but this shall not extend to replevin or ejectment; and when two or more of the causes of action so joined are local, and arise in different counties, the venue may be laid in either of such counties; but the Court or Judge shall have power to prevent the trial of different causes of action together, if such trial would be inexpedient, and in such case such Court or Judge may order separate records to be made up, and separate trials to be had.

Causes of action by the same parties and in the same rights may be joined.

Replevin and ejectment excepted.

Venue.

Judge may order separate trial.

SEC. 13. *Be it further enacted*, That all statements which need not be proved, such as statements of time, quantity, quality and value, when these are immaterial, the statement of losing and finding and bailment, the statement of acts of trespass having

Statements which need not be proved may be omitted.

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Demurrer.

Court to give judgment according to the very right of the cause.

Judgment shall not be stayed for lack of form.

Special demurrer.

Pleading to delay fair trial shall be stricken out with costs.

Profert of deed not necessary.

Party may set out the whole or part of document, &c.

Conditions precedent, performance of, may be averred generally.

Denial of performance shall be specified.

Form of declaration.

been committed with force and arms, the statement of promises in *indebitatus* counts, and all statements of a like kind, shall be omitted.

SEC. 14. *Be it further enacted*, That either party may object by demurrer to the pleading of the opposite party, on the ground that such pleading does not set forth sufficient ground of action, defence, or reply, as the case may be, and when issue is joined on such demurrer, the Court shall proceed and give judgment according as the very right of the cause and matter in law shall appear unto said Court, without regarding any imperfection, omission, defect in or lack of form; and no judgment shall be arrested, stayed or reversed for any such imperfection, omission, defect in or lack of form.

SEC. 15. *Be it further enacted*, That no pleading shall be deemed insufficient for any defect which could heretofore only be objected to by special demurrer.

SEC. 16. *Be it further enacted*, That if any pleading be so framed as to prejudice, embarrass or delay the fair trial of the action, the opposite party may apply to the Court or a Judge to strike out or amend such pleading, and the Court or any Judge shall make such order respecting the same, and also respecting the costs, as such Court or Judge shall see fit.

SEC. 17. *Be it further enacted*, That it shall not be necessary to make profert of any deed or other document mentioned or relied on in any pleading; and if profert shall be made, it shall not entitle the opposite party to craveoyer of a set out uponoyer (of) such deed or other document.

SEC. 18. *Be it further enacted*, That a party pleading in answer to any pleading in which any document is mentioned or referred to, shall be at liberty to set out the whole, or such part thereof as may be material, and the matter so set out shall be deemed and taken to be a part of the pleading in which it is set out.

SEC. 19. *Be it further enacted*, That it shall be lawful for the plaintiff or defendant in any action to aver performance of conditions precedent generally, and the opposite party shall not deny such averment generally, but shall specify in his pleading the condition or conditions precedent the performance of which he intends to contest.

SEC. 20. *Be it further enacted*, That every declaration shall commence as follows, or to the like effect: (*Venue*) "A B by E F, his attorney (or in person) sues C D for"—(*here state the cause of action.*) And shall (conclude) as follows, or to the like effect: "And the plaintiff claims \$ (or if the action is brought to recover specific goods,) the plaintiff claims a return of said goods or their value and \$ for their detention."

SEC. 21. *Be it further enacted*, That in actions of libel and

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slander the plaintiff shall be at liberty to aver that the words or matter complained of were used in a defamatory sense, specifying such defamatory sense, without any prefatory averment to shew how such words or matter were used in that sense, and such averment shall be put in issue by the denial of the alleged libel or slander; and when the words or matter set forth, with or without the alleged meaning, show a cause of action, the declaration shall be sufficient.

Actions of libel and slander.

Words used in a defamatory sense.

SEC. 22. *Be it further enacted*, That express color shall no longer be necessary in any pleading.

Express color.

SEC. 23. *Be it further enacted*, That special traverses shall not be necessary in any pleading.

Special traverses.

SEC. 24. *Be it further enacted*, That in any plea or subsequent pleading it shall not be necessary to use any allegation of *actionem non*, or *actionem ulterius non*, or to the like effect, or any prayer of judgment, nor shall it be necessary in any replication or subsequent pleading to use any allegation of *precludi non*, or to the like effect, or any prayer of judgment.

Allegation of *actionem non*, &c., not necessary.

SEC. 25. *Be it further enacted*, That no formal defence shall be required in a plea, or avowry, or cognizance, and it shall commence as follows or to like effect: The defendant by ———, his attorney, (or in person,) says that (*here state first defence*), and every other plea shall be numbered and shall commence as follows, or to the like effect: And for a second (&c.,) plea, the defendant says that (*here state second, &c., defence*), and no formal conclusion shall be necessary to any plea, avowry, cognizance or subsequent pleading.

Formal defence not necessary in plea.

Form of Plea.

SEC. 26. *Be it further enacted*, That any defence arising after the commencement of any action shall be pleaded according to the fact, without any formal commencement or conclusion; and any plea which does not state whether the defence therein set up arose before or after action, shall be deemed to be a plea of matter arising before action.

Formal conclusion not necessary.

Defences after commencement of action.

SEC. 27. *Be it further enacted*, That in cases in which a plea *puis darrien continuance* has heretofore been pleadable, the same defence may be pleaded with an allegation that the matter arose after the last pleading; but no such pleading shall be allowed unless accompanied by an affidavit that the matter thereof arose before the pleading of such plea, and after said continuance, unless the Court or a Judge shall otherwise order.

Plea *puis darrien* continued.

SEC. 28. *Be it further enacted*, Whereas, certain causes of action may be considered to partake of the character both of breaches of contract and of wrongs, and doubts may arise as to the form of pleas in such actions, and it is expedient to preclude such doubts, any plea which shall be good in substance shall not be objectionable on the ground of its treating the declaration either as framed for a breach of contract or for a wrong.

Plea good in substance sufficient.

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Pleadings, capable of, shall be taken distributively.

SEC. 29. *Be it further enacted*, That pleas of payment and set-off, and all other pleadings capable of being construed distributively, shall be taken distributively; and if issue is taken thereon and so much thereof as shall be sufficient answer to part of the causes of action proved shall be found true by the jury, a verdict shall pass for the defendant in respect of so much of the causes of action as shall be answered, and for the plaintiff in respect of so much of the causes of action as shall not be so answered.

General traverse.

SEC. 30. *Be it further enacted*, That a defendant may either traverse generally such of the facts contained in the declaration as might have been denied by one plea, or may select and traverse separately any material allegation in the declaration, although it might have been included in a general traverse.

General denial.

SEC. 31. *Be it further enacted*, That a plaintiff shall be at liberty to traverse the whole of any plea or subsequent pleading of the defendant by a general denial, or, admitting some part or parts thereof, to deny all the rest, or to deny any one or more allegations.

Denial of replication of subsequent pleading.

SEC. 32. *Be it further enacted*, That a defendant shall be at liberty in like manner to deny the whole or part of a replication or subsequent pleading of the plaintiff.

Joinder of issue Form.

SEC. 33. *Be it further enacted*, That either party may plead in answer to the plea or subsequent of his adversary, that he joins issue thereon, which joinder of issue may be as follows, or to the like effect: "The plaintiff joins issue upon the defendant's first (*or specifying what part*) plea." "The defendant joins issue upon the plaintiff's replication to the first (*specifying what*) plea," and such form of joinder of issue shall be deemed to be a denial of the substance of the plea or other subsequent pleading, and an issue thereon; and in all cases where plaintiff's pleading is in denial of the pleading of the defendant, or some part of it, the plaintiff may add a joinder of issue for the defendant.

Demurrer and plea may be filed at the same time.

SEC. 34. *Be it further enacted*, That either party may plead and demur to the same pleading at the same time, upon an affidavit by such party or his attorney, *if required by the Court or Judge*, to the effect that he is advised and believes that he has just ground to traverse the several matters proposed to be traversed by him, and that the several matters sought to be pleaded as aforesaid by way of confession and avoidance are respectively true in substance and in fact, and that he is further advised and believes that the objections raised by such demurrer are good and valid objections in law, and it shall be in the discretion of the Court to direct which issue shall be first disposed of.

New assignm't.

SEC. 35. *Be it further enacted*, That one new assignment only shall be pleaded to any number of pleas to the same cause of action; and such new assignment shall be consistent with and

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confirmed by the particulars delivered in the action, if any, and shall state that the plaintiff proceeds for causes of action different from those which the pleas profess to justify, or for an excess over and above what all the defences set up in such pleas justify, or both.

SEC. 36. *Be it further enacted*, That the form of a demurrer shall be as follows or to the like effect: "The defendant, by his attorney (or in person, &c., or plaintiff) says that the declaration (or plea) is bad in substance," and in the margin thereof some substantial matter of law intended to be argued shall be stated; and if any demurrer shall be delivered without such statement, or with a frivolous statement, it may be set aside by the Court, and leave may be given to sign judgment as for want of a plea, and the form of a joinder in demurrer shall be as follows or to the like effect: "The plaintiff (or defendant) says that the declaration (or plea) is good in substance."

Form of demurrer.

Statement.

SEC. 37. *Be it further enacted*, That when an amendment of any pleading is allowed, the opposite party shall be bound to plead to the amended pleading within two days after the amendment, unless otherwise ordered by the Court; and in case the amended pleading has been pleaded to before amendment, and is not pleaded to *de novo* within two days after amendment, or within such other time as the Court shall allow, the pleadings originally pleaded thereto shall stand and be considered as pleaded in answer to the amended pleadings.

Amendment to pleading.

SEC. 38. *Be it further enacted*, That the forms contained in the schedule to this act annexed shall be sufficient, and those and the like forms may be used, with such modifications as may be necessary to meet the facts of the case; but nothing herein contained shall render it erroneous or irregular to depart from the letter of such forms, so long as the substance is expressed without prolixity.

Forms contained in schedule sufficient.

SEC. 39. *Be it further enacted*, That in actions where the plaintiff seeks to recover a debt, or liquidated demand in money, judgment by default shall be final.

Judgment by default final.

SEC. 40. *Be it further enacted*, That in all actions where the plaintiff recovers a sum of money, the amount to which he is entitled may be awarded to him by the judgment generally, without any distinction being therein made as to whether such sum is recovered by way of a debt or damages.

Amount awarded by judgment generally.

SEC. 41. *Be it further enacted*, That either party may call on the other party by notice to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, the cost of proving the document shall be paid by the party refusing or neglecting, whatever the result of the cause may be, unless at the trial the Court shall certify that the refusal to admit was reasonable; and no cost of proving any documents shall be

Notice to admit docum't proof.

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allowed unless such notice be given, except in cases where the omission to give notice is, in the opinion of the Clerk, a saving of expense.

Action not abated by death of one of joint plaintiffs or defendants.

SEC. 42. *Be it further enacted*, That if there be two or more plaintiffs or defendants, and one or more of them should die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the action shall not thereby be abated; but, such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

Suggestion of death of sole plaintiff.

SEC. 43. *Be it further enacted*, That in case of the death of a sole plaintiff, the legal representative of such plaintiff may, by leave of the Court or a Judge, enter a suggestion of the death, and that he is such legal representative, the action shall thereupon proceed; and, if such suggestion be made before trial, the truth of the suggestion shall be tried thereat, together with the title of deceased plaintiff, and such judgment shall follow upon the verdict in favor of or against such person making such suggestion, as if such person were originally the plaintiff.

Death of sole defendant, suggestion of.

SEC. 44. *Be it further enacted*, That in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make a suggestion, either in any of the pleadings, if the cause has not arrived at issue, or in a copy of the issue, if it has so arrived, of the death, and that a person named therein is the executor or administrator of the deceased, and may thereupon serve such executor or administrator of the deceased with a copy of the writ and suggestion, and with a notice requiring such executor or administrator to appear, and that, in default of his so doing, the plaintiff may sign judgment against him as such executor or administrator; and the same proceedings may be had and taken in case of non-appearance after such notice as upon a writ against such executor or administrator in respect of the cause for which the action was brought: the new defendant may be permitted to plead such pleas as the original defendant might have done, and also such pleas as may be appropriate and rendered necessary by his character as executor or administrator, and, in case the plaintiff shall recover, he shall be entitled to like judgment as in action originally commenced against the executor or administrator.

Death between verdict and judgment and return of execution may not be alleged for error.

SEC. 45. *Be it further enacted*, That the death of either party between the verdict and judgment and the issuing or return of the execution, shall not hereafter be alleged for error.

SEC. 46. *Be it further enacted*, That if the plaintiff in any action happen to die after an interlocutory judgment, and before a final judgment therein, such action shall not abate by reason thereof, if such action might be originally prosecuted or main-

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tained by the executor or administrator of such plaintiff; and if the defendant die after such interlocutory judgment, and before final judgment obtained therein, the said action shall not abate, if such action might be originally prosecuted and maintained against the executor or administrator of such defendant, and the plaintiff, (or,) if he be dead, his executors and administrators, shall and may have a writ of *sci. fa.* against the defendant, if living, or, if he be dead, then against his executors or administrators, to shew cause why damages in such action should not be assessed and recovered by him or them; and if the defendant, or, if dead, his executors or administrators, shall fail to shew cause, judgment final shall be given for the said plaintiff, his executors or administrators, prosecuting such writ against such defendant, his executors or administrators, respectively.

SEC. 47. *Be it further enacted*, That the marriage of a woman plaintiff or defendant shall not cause the action to abate, but the action may, notwithstanding, be proceeded with to judgment; and such judgment shall be rendered against or in favor of the wife alone, and execution thereon be levied upon her property alone. In case of a judgment for the wife, execution may issue thereon by the authority of the husband without suggestion.

SEC. 48. *Be it further enacted*, That upon any motion in arrest of judgment, or to enter an arrest of judgment, or for judgment *non obstante veredicto*, by reason of the non-averment of some alleged material fact or facts, or material allegation, or other cause, the party whose pleading is alleged or adjudged to be therein defective, may suggest the existence of the omitted fact or facts, or other matter, which, if true, would remedy the alleged defect; and such suggestion may be pleaded to by the opposite party within such time as the Court or a Judge may allow; and the proceedings for the trial of any issues joined upon such pleadings shall be the same as in an ordinary action.

SEC. 49. *Be it further enacted*, That no judgment in any cause shall be reversed or avoided for any error or defect therein, unless error be commenced or brought and prosecuted with effect, within two years after such judgment signed or entered of record, saving unto all persons under the disabilities mentioned in the statute of limitations of this State, the liberty to bring error as aforesaid, so as such person commences or brings and prosecutes the same with effect within two years after such disability is removed.

SEC. 50. *Be it further enacted*, That Courts of error shall have the power to quash the proceedings in error in all cases in which error does not lie, or where they are taken against good faith.

SEC. 51. *Be it further enacted*, That it shall be lawful for a Court or Judge at the trial of any cause, where they or he may deem it right for the purposes of justice, to order an adjourn-

Death of plaintiff or defendant after interlocutory judgment shall not abate action, &c

Marriage of woman plaintiff or defendant.

Motion in arrest of judgment.

Error, when must be brought.

Courts of error may quash proceedings in error.

Court may order an adjournment of cause.

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Parties producing witness may not impeach his character, but may contradict him by other evidence,

Former statement of witness

Witness convicted of felony or misdemeanor

Comparison of writings permitted.

Motions on affidavits.

Judge may order documents to be produced and witnesses to be examined.

ment for such time, and subject to such terms and conditions as to costs and otherwise as they or he may think fit.

SEC. 52. *Be it further enacted*, That a party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness prove adverse, contradict him by other evidence, or prove that he has made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he made such statement.

SEC. 53. *Be it further enacted*, That if a witness, upon cross-examination as to a former statement made by him relative to the subject matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

SEC. 54. *Be it further enacted*, That a witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanor, and, upon being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction; and a certificate containing the substance and effect only of the indictment and conviction of such offence, signed by the Clerk of the Court where the offender was convicted, shall, upon proof of the identity of the person, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same.

SEC. 55. *Be it further enacted*, That comparison of a disputed writing with any writing proved to the satisfaction of the Judge to be genuine, shall be permitted to be made by witnesses; and such writings and the evidence of witnesses respecting the same, may be submitted to the Court and Jury as evidence of the genuineness, or otherwise, of the writing in dispute.

SEC. 56. *Be it further enacted*, That upon motions founded upon affidavits, it shall be lawful for either party to make affidavits in answer to the affidavits of the opposite party, upon any new matter arising out of such affidavits.

SEC. 57. *Be it further enacted*, That upon the hearing of any motion or summons, it shall be lawful for the Court or Judge, at their or his discretion, and upon such terms as they or he shall think reasonable, from time to time to order such documents as they or he may think fit to be produced, and such witnesses as they or he may think necessary to appear and be examined *viva*

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roce either before such Court or Judge or before the Clerk, and upon hearing such evidence, or reading the report of such Clerk, to make such rule or order as may be just.

SEC. 58. *Be it further enacted*, That in all causes in any of the Courts of this State, the plaintiff may, with the declaration, and the defendant may with the plea, or either of them may, at any other time, deliver to the opposite party or his attorney interrogatories in writing upon any matter as to which discovery may be sought, and require such party, or in case of a body corporate any of the officers of such body corporate, within ten days to answer the questions in writing by affidavit, to be sworn and filed in the ordinary way; and any party or officer omitting, without just cause, sufficiently to answer all questions as to which a discovery may be sought within the above time or such extended time as the Court or a Judge may allow, shall be deemed to have committed a contempt of Court, and shall be liable to be proceeded against accordingly.

Interrogatories.

SEC. 59. *Be it further enacted*, That in case of omission, without just cause, to answer sufficiently such written interrogatories, it shall be lawful for the Court or Judge, at their or his discretion, to direct an oral examination of the interrogated party, as to such points as they or he may direct, either before the Court or Judge or Clerk, and the Court or Judge may, by such rule or order, or any subsequent rule or order, command the attendance of such party or parties before the person appointed to take such examination, for the purpose of being orally examined as aforesaid, or the production of any writings or other documents to be mentioned in such rule or order, and may impose therein such terms as to such examination, and the costs of the application, and of the proceedings thereon and otherwise, as to such Court or Judge shall seem just.

Court may order oral examination of interrogated party.

SEC. 60. *Be it further enacted*, That whenever, by virtue of this act, an examination of any witness or witnesses has been taken before a Judge or Clerk or other person appointed to take such examination, the depositions taken down by such examiner shall be returned to and kept in the Clerk's office of the Court in which the proceedings are pending; and office copies of such depositions may be given out to the opposite party or his attorney applying for the same.

Depositions to be returned to Clerk's office.

SEC. 61. *Be it further enacted*, That it shall be the duty of the Clerk or person named in the order for taking examinations under this act, if required, to make a special report to the Court in which such proceedings are pending touching such examination, and the conduct or absence of any witness or other person thereon or relating thereto; and the Court is authorized to institute such proceedings and make such order and orders upon

Clerk if required to make special report to Court, &c.

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Costs.

such report as justice may require and as may be instituted and made in any case of contempt of the Court.

SEC. 62. *Be it further enacted*, That the costs of every application for a rule or order to take the examination of witnesses under this act, and the costs of proceedings thereon, shall be in the discretion of the Court.

SEC. 63. *Be it further enacted*, That either party shall be at liberty to apply to the Court or a Judge for a rule or order for the inspection by the jury, or by himself, or by his witnesses, of any real or personal property, the inspection of which may be material to the proper determination of the question in dispute; and the costs of the said rule or order, and the proceedings therein, shall be in the discretion of the Court.

SEC. 64. *Be it further enacted*, That upon affidavit made before the Clerk of the Court in which any judgment has been rendered, either by the judgment creditor or his attorney, stating that said judgment is still unsatisfied, and that any other person is indebted to the judgment debtor and is within the jurisdiction of the Court, it shall be the duty of said Clerk to issue an attachment or order attaching all debts owing or accruing from such third person to the judgment debtor, to answer the judgment debt; and by the same or any subsequent order or proceeding, the person upon whom the said attachment has been served may be ordered to appear before the Court to show cause why he should not pay the judgment creditor the debt due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

SEC. 65. *Be it further enacted*, That service of an order that debts due or accruing to the judgment debtor shall be attached, or notice thereof to the garnishee shall bind such debts in his hands.

SEC. 66. *Be it further enacted*, That if the garnishee does not forthwith pay into Court the amount due from him to the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due from him to the judgment debtor, or if he does not appear to the summons, then the Judge may order execution to issue, and it may be sued forth accordingly, without any previous writ or process to levy the amount due from such garnishee towards satisfaction of the judgment debt.

SEC. 67. *Be it further enacted*, That if the garnishee disputes his liability, the judgment creditor shall be at liberty to proceed against the garnishee by writ, calling upon him to show cause why there should not be execution against him for the alleged debt, or for the amount due to the judgment debtor, if less than the judgment debt, and for costs of suit, and the proceedings

Order for inspection of property by jury.

Attachment of debts owing to judgment debtor.

Service of order shall bind debts.

Execution may issue against garnishee.

Judgment creditor may proceed against garnishee by writ.

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upon such suit shall be the same, as nearly as may be, as upon writ of *sci. fu.*

SEC. 68. *Be it further enacted*, That payment made by an execution levied upon the garnishee under any such proceeding as aforesaid, shall be a valid discharge to him as against the judgment debtor to the amount paid or levied, although such proceeding may be set aside or the judgment reversed.

Payment made by garnishee discharge as against judgment debtor.

SEC. 69. *Be it further enacted*, That it shall be lawful for the defendant or plaintiff in any cause in any of the Courts of this State in which, if judgment were obtained, he would be entitled to relief against such judgment on equitable grounds, to plead the facts which entitle him to such relief by way of defence, and the said Courts are hereby empowered to receive such plea: *Provided*, Such plea shall begin with the words, "For defence on equitable grounds," or words to the like effect.

Defendant may plead on equitable grounds.

SEC. 70. *Be it further enacted*, That any such matter, which, if it arose before or during the time of pleading, would be an answer to the action by way of plea, may, if it arises after the lapse of the period during which it could be pleaded, be set up by way of *audita querula*.

Audita querula after lapse of time for pleading.

SEC. 71. *Be it further enacted*, That the plaintiff may reply, in answer to any plea of the defendant, facts which avoid such plea upon equitable grounds: *Provided*, Such replication shall begin with the words, "For replication on equitable grounds," or to the like effect.

Replication on equitable grounds.

SEC. 72. *Be it further enacted*, That in case it shall appear to the Court or a Judge that any such equitable plea or equitable replication cannot be dealt with by a Court of law, so as to do justice between the parties, it shall be lawful for such Court or Judge to order the same to be struck out on such terms as to costs and otherwise as to such Court or Judge may seem reasonable.

Court may strike out equitable plea.

SEC. 73. *Be it further enacted*, That in case of any action founded upon a bill of exchange or other negotiable instrument, it shall be lawful for the Court or a Judge to order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Clerk thereof against the claims of any other person upon such negotiable instrument.

Loss of bill of exchange or other instrument.

SEC. 74. *Be it further enacted*, That it shall be the duty of the Courts of this State, and of every Judge thereof, at all times to amend all defects and errors in any proceeding in civil causes, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend or not; and all such amendments shall be made with or without costs and upon such terms as to the Court or Judge may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in

Amendment of defects and errors.

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controversy between the parties shall be so made, if duly applied for.

New forms of writs, &c., may be issued by Judges of the Supreme Court to give effect to this act.

SEC. 75. *Be it further enacted*, That such new or altered writs and forms of proceedings may be issued, entered and taken as may by the Judges of the Supreme Court of this State be deemed necessary or expedient for giving effect to the provisions of this act, and for carrying into effect its true intent, meaning and spirit in simplifying the pleading, practice and proceedings of the Courts, so that the causes of parties litigant before the same may be tried upon their true issues and merits.

SEC. 76. *Be it further enacted*, That this act shall not take effect until the first Monday in January, A. D. 1862.

Time when this act shall take effect.

Forms of pleadings.

FORMS OF PLEADINGS.

Action on contracts.

STATEMENT OF CAUSES OF ACTION ON CONTRACTS.

Goods sold.

GOODS SOLD.

1. Money payable by the defendant to the plaintiff for (*these words, "Money payable," &c., should precede money counts, but need only be inserted in the first*) goods bargained and sold by the plaintiff to the defendant.

Work and materials.

WORK AND MATERIALS.

2. Work done and materials provided by the plaintiff for the defendant at his request.

Money lent.

MONEY LENT.

3. Money lent by the plaintiff to the defendant.

Money paid.

MONEY PAID.

4. Money paid by the plaintiff for the defendant at his request.

Money received

MONEY RECEIVED.

5. Money received by the defendant for the use of the plaintiff.

Account stated.

ACCOUNT STATED.

6. Money found to be due from the defendant to the plaintiff on accounts stated between them.

Land sold.

FOR LAND SOLD.

7. A messuage and lands sold and conveyed by the plaintiff to the defendant.

Good will.

FOR GOOD WILL.

8. The good will of a business of the plaintiff sold and given up by the plaintiff to the defendant.

FOR THE USE OF A HOUSE AND LAND.

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9. The defendant's use, by the plaintiff's permission, of messuages and lands of the plaintiff.

For use of house and land.

FOR HIRE OF GOODS, ETC.

For hire of goods, &c.

10. The hire of, (as the case may be,) by the plaintiff let to hire to the defendant.

For freight.

11. Freight for the conveyance by the plaintiff for the defendant, at his request of goods in ships.

FOR FREIGHT.

FOR DEMURRAGE.

For demurrage.

12. The demurrage of a ship of the plaintiff kept in demurrage by the defendant.

PAYEE AGAINST MAKER OF NOTE.

Payee vs. maker of note.

13. That the defendant on the day of , A. D. 18 , by his promissory note, now over due, promised to pay to the plaintiff \$ (six) months after date, but did not pay the same.

INDORSEE AGAINST INDORSER OF NOTE.

Indorsee vs. indorser.

14. That one A. M., &c., (date) by his promissory note, now over due, promised to pay to the defendant or order \$ (six) months after date; and the defendant endorsed the same to the plaintiff; and the said note was duly presented for payment, and was dishonored, whereof the defendant had due notice; but did not pay the same.

DRAWER AGAINST ACCEPTOR OF BILL.

Drawer vs. acceptor.

15. That the plaintiff or, &c., (date) by his bill of exchange now over due directed to the defendant, required the defendant to pay to the plaintiff \$ (two) months after date, and the defendant accepted the said bill but did not pay the same.

PAYEE AGAINST DRAWER.

Payee vs. drawer.

16. That the defendant, on, &c., (date) by his bill of exchange, directed to A., required A. to pay the plaintiff \$ (two) months after date; and the said bill was duly presented for acceptance, and was dishonored, of which defendant had due notice, but did not pay the same.

BREACH OF PROMISE OF MARRIAGE.

Breach of promise of marriage.

17. That the plaintiff and defendant agreed to marry one another, and a reasonable time for such marriage has elapsed, and the plaintiff has always been ready and willing to marry the de-

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fendant, yet the defendant had neglected and refused to marry the plaintiff.

Warranty of
horse.

WARRANTY OF A HORSE.

18. That the defendant, by warranting a horse to be then sound and quiet to ride, sold the said horse to the plaintiff, yet the said horse was not then sound and quiet to ride.

Not loading
pursuant to
charter party.

FOR NOT LOADING PURSUANT TO CHARTER PARTY.

19. That the plaintiff and the defendant agreed, by charter party, that the plaintiff's ship, called the "Ariel," should, with all convenient speed, sail to "R," or so near thereto as she could safely get, and that the defendant should there load her with a full cargo of ——— or other lawful merchandize, which she should carry to "H," and there deliver, on payment of freight \$— per ton, and that the defendant should be allowed ten days for loading and ten for discharge, and ten days for demurrage, if required, at \$— per day; and that the plaintiff did all things necessary on his part to entitle him to have the agreed cargo loaded on board the said ship at "H," and that the time for so doing has elapsed, yet the defendant made default in loading the agreed cargo.

Upon lease for
rent.

UPON A LEASE FOR RENT.

20. That the plaintiff let to the defendant a house, No. , Quincy, for years, to hold from the day of , A. D. , at \$ a year, payable quarterly, of which rent quarters are due and unpaid.

Covenant to re-
pair.

UPON A COVENANT TO REPAIR.

21. That the plaintiff by deed let to the defendant a house No. , Quincy, to hold for years from the day of , A. D. , and the defendant by the said deed covenanted with the plaintiff well and substantially to repair the said house during the said term, (*according to the covenant*.) yet the said house was, during the said term, out of good and substantial repair.

Wrongs inde-
pendant of con-
tract.

FOR WRONGS INDEPENDENT OF CONTRACT.

Trespass to
land.

TRESPASS TO LAND.

22. That the defendant broke and entered certain land of the plaintiff, called Big Field, and depastured the same with cattle.

Assault, battery
and false im-
prisonment.

ASSAULT, BATTERY AND FALSE IMPRISONMENT.

23. That the defendant assaulted and beat the plaintiff, gave

him into custody to a policeman and caused him to be imprisoned in a police office.

CRIMINAL CONVERSATION.

Crim. con.

24. That the defendant debauched and carnally knew the plaintiff's wife.

WRONGFUL CONVERSION OF GOODS.

Wrongful conversion.

25. That the defendant converted to his own use or wrongfully deprived the plaintiff of the use and possession of the plaintiff's goods; that is to say, iron, hops, (or as the case may be.)

WRONGFUL DETENTION OF PROPERTY.

Wrongful detention.

26. That the defendant detained from the plaintiff his title deeds of land, called _____, in the county of _____; that is to say, (*describe the deeds, &c.*)

DEFAMATION OF CHARACTER.

Defamation.

27. That the defendant falsely and maliciously spoke and published of the plaintiff the words following: that is to say, "he is a thief," (*if there is any special damage, state it with reasonable certainty, so as to give notice to defendant of the peculiar injury complained of; for instance:*) whereby the plaintiff lost his situation as clerk in the employ of A.

COMMENCEMENT OF PLEA.

Plea, commencement of.

28. The defendant by _____ his attorney (or in person) says, (here state the substance of the plea.)

29. And for a second plea defendant says, (here state substance of second plea.)

PLEAS IN ACTIONS ON CONTRACTS.

Forms of pleas in actions on contracts.

DENIAL OF DEBT.

Denial of debt.

30. That he never was indebted as alleged, (this plea is applicable to declarations like those numbered 1 to 14.)

DENIAL OF CONTRACT.

Denial of contract.

31. That he did not promise as alleged, (this is applicable to other declarations on contracts, not on bills and notes.)

DENIAL OF DEED.

Denial of deed.

32. That the alleged deed is not his deed.

STAT. LIMS.

Stat. lims.

33. That the alleged cause of action did not accrue within _____ years before this suit.

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PAYMENT.

Payment. 34. That before action he discharged and satisfied the plaintiff's claim by payment.

Set off. SET OFF.

35. That the plaintiff at the commencement of this suit was, and still is, indebted to the defendant in an amount equal to the plaintiff's claim, for (*here state the cause of set-off as in a declaration,*) which amount the defendant is willing to set off against the plaintiff's claim.

Release. RELEASE.

36. That after the alleged claim accrued, and before this suit, the plaintiff by deed released the defendant therefrom.

Pleas in actions for wrongs. PLEAS IN ACTIONS FOR WRONGS INDEPENDENT OF CONTRACT.

Not guilty. NOT GUILTY.

37. That he is not guilty.

Leave and license. LEAVE AND LICENSE.

38. That he did what is complained of by the plaintiff's leave.

Self defence. SELF-DEFENCE.

39. That the plaintiff first assaulted the defendant, who thereupon necessarily committed the alleged assault in his own defence.

Right of way. RIGHT OF WAY.

40. That the defendant, at the time of the alleged trespass, was possessed of land, the occupiers whereof for twenty years before this suit enjoyed as of right, and without interruption, a way, on foot and with cattle, from a public highway, over the said land of the plaintiff to the said land of the defendant, and from the said land of the defendant over the said land of the plaintiff, to the said public highway, at all times of the year, for the more convenient occupation of the said land of the defendant, and that the alleged trespass was a use by the defendant of the said way.

REPLICATIONS.

Replications.

Joinder of issue. JOINDER OF ISSUE.

41. The plaintiff takes issue upon the defendant's 1st, 2d, &c., pleas.

REPLICATION TO PLEAS CONTAINING NEW MATTER.

To pleas containing new matter.

42. The plaintiff as to the second plea says, (*here state the answer to the plea as in the following forms.*)

TO PLEA OF RELEASE.

43. That the alleged release is not the plaintiff's deed.

TO PLEA OF SET OFF.

44. That the alleged set off did not accrue within six years before this suit.

45. That the plaintiff was possessed of land whereon the defendant was trespassing and doing damage, whereupon the plaintiff requested the defendant to leave said land, which the defendant refused to do; and thereupon the plaintiff gently laid his hands on the defendant in order to remove him, doing no more than was necessary for that purpose, which is the alleged first assault by the plaintiff.

TO RIGHT OF WAY.

46. That the occupiers of the said land did not twenty years before this suit enjoy as of right and without interruption, the alleged way.

NEW ASSIGNMENT.

(If the plaintiff replies and new assigns, the new assignment may be as follows:)

47. And the plaintiff, as to the and plea, further says that he sues not only for the trespass admitted, but also for, &c.

Passed the House of Representatives January 29, 1861. Passed the Senate February 2, 1861. Approved by the Governor February 8, 1861.

CHAPTER 1,097—[No. 4.]

AN ACT providing for the issue of Treasury Notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor be, and he is hereby authorized and required to cause to be engraved and printed in the best manner to guard against counterfeiting, notes for circulation in the similitude of bank bills, in blank, of the different denominations of ones, twos, threes, fours, fives, tens, twenties, fifties, and hundreds, in amount not exceeding Five Hundred Thousand Dollars; which said blank circulating notes shall be signed by the Governor and countersigned by the Treasurer, the latter of whom shall provide and keep in his office proper books in which the numbers and amounts of said notes shall be registered.

To plea of release.

To plea of set off.

To right of way.

New assignment.

Governor to cause notes to be engraved and printed.

Denomination of notes.

Amount to be issued.

To be signed by Governor and countersigned by Treasurer.

Treasurer shall keep registry of notes.

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Notes receivable in payment for dues and demands of State.

Notes to be placed in the Treasury.

Treasurer may use notes in payment of warrants.

Holder of warrant not compelled to receive Treas'y notes.

Notes to be received at par.

Treas'y notes a legal tender for taxes, &c.

What receivable in payment of revenue of State

Persons or corporations shall not issue bills of a less denomination than five dollars.

Penalty.

Judges shall give this act in charge to Grand Juries.

Proviso.

Treas'y notes may circulate as currency.

Banks receiving Treasury notes on deposit.

SEC. 2. *Be it further enacted*, That the said circulating notes shall have expressed on the face of the same to be "receivable by the State of Florida in payment of all dues and demands."

SEC. 3. *Be it further enacted*, That the circulating notes signed and countersigned as aforesaid by the Governor and Treasurer, shall be placed in the Treasury of the State, and may be used by the Treasurer in payment of all warrants drawn by the Comptroller upon the said Treasurer: *Provided*, That no holder of such warrant shall be required or compelled to receive such circulating notes in payment thereof: *And provided further*, That in no case shall said circulating notes be paid out by the Treasurer at and for less than the value expressed upon the face of the same.

SEC. 4. *Be it further enacted*, That said circulating notes shall be, and they are hereby made and declared a legal tender in payment of all entries of land, taxes, fines, duties, debts, demands and sums payable of whatsoever character or nature which shall become due, or payable to the State, from and after the date of approval of this act, and said circulating notes or specie, or the bank notes of the banks hereinafter enumerated, so long as said banks shall pay specie on demand for their notes due, only shall be so received by all officers charged with the collection of the revenues of the State.

SEC. 5. *Be it further enacted*, That from and after the first day of January, A. D. 1862, no officer, agent, or servant of any corporation, nor any person or persons in this State, shall issue, circulate, pass, or pay out, or offer to issue, circulate, pass, or pay out any change bill in the similitude of a bank bill, or any bank bill of a less denomination than five dollars, and any agent, officer, or servant of any corporation, or person or persons violating the provisions of this section shall be subject to indictment therefor, and upon conviction, shall be fined in a sum not less than twenty-five dollars, and not more than one hundred dollars, at the discretion of the Court, and it shall be the duty of the several Judges of the Circuit Courts of this State to give this act in charge to the Grand Juries of the several counties of this State: *Provided*, That nothing herein contained shall be construed to inhibit or prevent the payment by any person or persons of any debt or debts due, or to become due to any Railroad Company or Corporation, in the change bills paid by said Railroad Company or Corporation prior to the passage of this act: *Provided further*, That nothing herein contained shall inhibit or prevent the circulation as currency of the circulating notes mentioned in the first section of this act.

SEC. 6. *Be it further enacted*, That the notes of all the solvent banks of this State which receive the Treasury notes herein provided on deposit at par, and the notes of all banks having *bona*

1860.

fide agencies in this State, engaged in buying and selling exchange, which receive the said Treasury notes at par in payment for exchange, shall be received by all officers charged with the collection of the revenue, and all laws and parts of laws imposing any tax upon the said banks or their stock, or upon the agencies of said banks, be and the same are hereby suspended so long as the said banks or their said bank agencies shall continue to receive the said Treasury notes at par; but nothing herein contained shall preclude any party holding any bank notes from suing the bank issuing the said notes or its stockholders for the amount of said notes, and recovering judgment thereupon, with legal interest from the date of said suit, or from demanding and receiving from the Comptroller of this State his *pro rata* share of proceeds of any stock deposited with him by any bank as a security for its notes.

Parties holding bank notes.

SEC. 7. *Be it further enacted*, That if any bank of this State or any bank agency of any other State doing business in this State, shall refuse to accept and comply with the provisions contained in the sixth section of this act, the restrictions of the issues of the notes of such bank of this State so refusing to accept and comply shall be increased to twenty dollars for the smallest circulating notes of such bank, and the bank agencies so refusing, shall not do business in this State; and should any person as agent attempt to do business for said foreign bank or banks, he, she or they shall be subject to indictment and fine at the discretion of the Court; and that after the first day of January, A. D. 1862, it shall not be lawful for any person whatsoever to issue, circulate, pass or pay out any bank note whatsoever of a less denomination than twenty dollars, except the notes of banks of this State and of foreign banks having agencies in this State and accepting and complying with the provisions of this act in reference to receiving said Treasury notes at par, and any person violating the provisions of this act, shall be liable to indictment therefor, and on conviction shall be fined in an amount equal to the face of the note so issued, circulated, passed or paid out, or offered to be issued, passed or paid out.

Bank or Bank agency refusing to comply with the provisions of this act.

Penalty.

SEC. 8. *Be it further enacted*, That it shall be lawful for any person holding said Treasury notes in sums of one hundred dollars and upwards to present the same at the Treasury and demand payment thereof, which it shall be the duty of the Treasurer to make in gold or silver, or in the notes of the Banks enumerated in the seventh section of this act; but if the Treasurer shall not have in his possession at the time of such demand gold and silver coin or Bank bills as aforesaid sufficient to pay the amounts so demanded, he shall, at the request of the party making the said demand, give a certificate of deposit, specifying the amount so deposited, which certificate shall be numbered and dated, and

Banks and agencies accepting the provisions of this act
Penalty for violating the provisions of this act.

Holder of Treasury notes may present the same for payment.
Payment.

Treasurer may give certificate of deposit.

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Treasurer to
publish list of
certificates.

Holder of Treas-
ury notes may
receive bonds of
the State, &c.

Debt of the
State shall not
exceed one mil-
lion of dollars.

Compensation
of Treasurer.

Treasurer shall
make statement
of Treas'y notes
issued.

shall be paid according to their order out of the first moneys in the Treasury; and the said Treasurer shall, from time to time, on the first day of each month, or oftener, if he deem it proper, insert in one of the papers published in the city of Tallahassee a list of the certificates which he is prepared to pay.

SEC. 9. *Be it further enacted*, That any holder of the said Treasury notes in sums of one or more hundred dollars, may at any time pay the same into the Treasury and receive in exchange therefor the bonds of this State, in a form to be provided by the Governor, bearing not more than eight per cent. interest, payable semi-annually in the City of Tallahassee, and having not more than twenty years to run: *Provided, however*, That the actual public debt of the State of Florida, including Treasury notes, and bonds, and liabilities of all descriptions, shall not exceed one million of dollars.

SEC. 10. *Be it further enacted*, That in addition to the compensation now allowed by law, the Treasurer shall receive the further and additional compensation of four hundred dollars for the labor incurred in executing the provisions of this act, and it shall be the duty of the Treasurer to insert in his accounts a statement of the circulating notes issued, and those remaining in the Treasury.

Passed the Senate February 11, 1861. Passed the House of Representatives February 13, 1861. Approved by the Governor February 14, 1861.

CHAPTER 1,098—[No. 5.]

AN ACT to enlarge and define the jurisdiction and to establish certain rules of practice in the Courts of Equity in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That in all suits in Equity in this State where summary process by injunction or otherwise shall be prayed, and the bill justifies such process, and affidavit shall be made of the truth of the statements of the bill, and that the complainant is unable to give bond of indemnity or other security, the Chancellor shall receive *ex parte* evidence of the truth of the statements of the bill and of the accompanying affidavit, and if they shall appear to be true, shall grant such process without requiring security.

SEC. 2. *Be it further enacted*, That whenever in any Equity cause pending in the Courts of this State, an injunction or other summary order shall be granted, and the defendant in his answer

Process of in-
junction may be
sue without
bond in certain
cases.

Parties may in-
troduce evidence
before summary
process or in-

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shall have denied the statements of the bill or of the accompanying affidavit, either party thereto shall have the right to introduce evidence in support or denial of the bill and accompanying affidavit or answer, before the injunction or other summary order shall be dissolved, and the Chancellor shall dissolve or continue the order, or may require security according to the weight of the evidence.

SEC. 3. *Be it further enacted*, That the Clerks of the Circuit Courts in this State shall be and they are hereby authorized to grant orders of publication to perfect notice in all suits in Equity in this State, and appoint Guardians *ad litem*, in the same manner as the Judges of the Circuit Court are now by law authorized to do.

SEC. 4. *Be it further enacted*, That the same evidence as is now required by law shall be made before the Clerk of the Circuit Court before such orders shall be granted.

Passed the House of Representatives February 11, 1861. Passed the Senate February 13, 1861. Approved by the Governor February 14, 1861.

junction shall be dissolved.

Chancellor may dissolve or continue the order according to evidence.

Clerks of Circuit Court may grant orders of publication and appoint guardians *ad litem*.

Evidence before granting order.

CHAPTER 1,099—[No. 6.]

AN ACT concerning Replevin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, when any personal property within the limits of this State shall be taken under and by virtue of a writ of replevin, it shall not be lawful for the officer executing said writ to deliver said property to the plaintiff in replevin until after the lapse of three days from the time said property was so taken, during which said three days, if the defendant in replevin shall come forward and give bond in double the appraised value of said property, with security, to be approved by the officer executing said writ, conditioned to have said property forthcoming to abide the result of the suit instituted against the same, said property shall be re-delivered to the said defendant in replevin; but, if said bond and security is not given within the said three days, then said property shall be delivered to the plaintiff in replevin, as is now provided by law.

Officer shall not deliver property replevied until the lapse of 3 days.

Defendant may give bond for forthcoming of property.

SEC. 2. *Be it further enacted*, That on the trial of any action of replevin where the property has been re-delivered to the defendant in replevin, the same proceedings shall be had as are now provided by law, except that where the plaintiff in replevin

Trial.

1860.

Plaintiff may
take judgment
for property or
value.

Writ of posses-
sion.

Right of posses-
sion.

Officer to sum-
mons magis-
trate and jury.

Verdict.

Property re-de-
livered not lia-
ble to be re-ta-
ken by original
defendant.

Right of prop-
erty and posses-
sion of slaves.

When slaves
have been mal-
treated, &c.

shall maintain his suit, it shall be at his option to take judgment for the value of the property and sue out execution for the same, or take judgment for the property itself, and sue out a writ of possession; and whenever the officer to whom said writ of possession is directed shall be unable to find said property and shall so return said writ of possession, then the plaintiff in replevin may immediately sue out execution against both principal and sureties, on the bond hereinbefore provided for, for the whole amount of the penalty of said bond.

SEC. 3. *Be it further enacted*, That whenever the plaintiff in replevin shall incorporate into his affidavit the declaration that he is lawfully entitled to the possession of the said property for a fixed term, (specifying the same,) though not to right of property, the said property has been fraudulently, forcibly or feloniously taken from his possession within twelve months next preceding the date of said affidavit, it shall be the duty of the officer executing said writ of replevin to summons one of the Magistrates of the county and a jury of twelve men, who are qualified by law to serve as jurors in the Circuit Court of this State, not of kin to either party, to be and appear at the Court House, in not more than five nor less than three days, and try the truth of said affidavit, when, unless the trial of the cause shall, on the application of either party and for good cause shown, be continued to a more distant day, if it shall appear by the verdict of said jury that said property has been forcibly, fraudulently or feloniously taken from the possession of the plaintiff within twelve months next preceding the date of his affidavit, or that the plaintiff is entitled to the right of possession for the term specified in his affidavit, though not to the right of property, then the same shall be delivered to the plaintiff in replevin, otherwise it shall be re-delivered to the defendant on his giving the bond aforesaid.

SEC. 4. *Be it further enacted*, That property taken in replevin and delivered to the plaintiff in replevin shall not be liable to be retaken in replevin at the instance of the original defendant, while the same remains in the possession of the original plaintiff or his agents.

SEC. 5. *Be it further enacted*, That where the right of possession to slaves is vested in one person, and the right of property in another, it shall be at all times lawful for any jury, before whom the right of possession shall be tried, to enquire whether the said slaves have been in anywise maltreated or abused, and should such appear to have been the case by the party entitled to the possession of the same, then his or her right of possession shall be considered as forfeited and vested in the party entitled to the right of property.

Passed the Senate January 22d, 1861. Passed the House of Representatives January 26th, 1861. Approved by the Governor February 2, 1861.

LAWS OF FLORIDA.

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CHAPTER 1,100—[No. 7.]

AN ACT to amend the law of this State regulating the issue of the Process of Garnishment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in addition to the cases now provided for by law for the issuing of the process of garnishment, it shall and may be lawful for the plaintiff or plaintiffs, at any time after the commencement of suit, and before final judgment, by either him, her or themselves, agent or attorney at law or in fact, to sue out a writ of garnishment as is now contemplated by law in other cases provided for; *Provided,* The plaintiff in action, his agent or attorney, before the issuing of such writ of garnishment, shall be required to make affidavit and file the same in the office of the Clerk, or with the Justice where the suit is pending, that he does not believe that the defendant will have in his possession visible property in this State and said county upon which a levy could be made sufficient to satisfy such judgment or execution which he believes he shall be able to obtain in the said suit.

Process of garnishment may issue before final judgment.

Plait'f to make affidavit.

SEC. 2. *Be it further enacted,* That if the judgment of the Court, or the Justice, as the case may be, shall be in favor of the defendant in the suit, then and in that event the plaintiff shall pay all the cost which shall have accrued in consequence of suing out said writ of garnishment, and the money brought into the registry of the Court thereby, or the judgment obtained thereon, shall enure to the benefit of and to be controlled and managed by the said defendant as amply and completely as though the same had been rendered in his favor.

Costs.

Money brought into the registry of Court.

SEC. 3. *Be it further enacted,* That hereafter, whenever an attachment shall be dissolved after plea to the action and there shall have been writ or writs of garnishment issued in the attachment suit, the same shall not be dismissed or abate in consequence of a dissolution of the said attachment, but shall remain good and binding and in full force and virtue and abide the final termination of the action commenced by said attachment.

Dissolution of attachm't shall not abate garnishment.

SEC. 4. *Be it further enacted,* That if any garnishment process shall be served upon any owner or master of any steamboat or vessel, the same shall be returned to the first term of the Court having jurisdiction, and if no answer is filed, a writ of *scire facias* shall issue returnable to the next term, and if no answer be then filed or a return made by the proper officer that the garnishee is not to be found within his bailiwick, the judgment shall be made final and execution shall issue thereon.

Garnis't served upon owner or master of vessel or steamboat.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 13th, 1861. Approved by the Governor February 14th, 1861.

1860.

CHAPTER 1,101—[No. 8.]

AN ACT to amend the Attachment Laws now in force in this State.

Act of Dec'r 20,
1859, repealed in
part.

Persons remov-
ing beyond ju-
dicial district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That so much of an act entitled an act to amend the Attachment Laws of this State, approved December 20th, 1859, as prevents the defendant in attachment from traversing averments of plaintiff's affidavit, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That in all cases where persons are actually removing or about to remove beyond the Judicial District in which he, she or they reside, his, her or their creditors shall have the right to sue out suits of attachment as in other cases now provided by law.

Passed the House of Representatives February 8, 1861. Passed the Senate February 13, 1861. Approved by the Governor February 14, 1861.

CHAPTER 1,102—[No. 9.]

AN ACT relating to Foreign Guardians.

Foreign guard-
ian may receive,
&c., estate of
ward.

Appraisement.

Inventory of
debts.

Copies of bond,
&c., to be filed.
Certificate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That a Guardian of the estate of an infant, duly appointed by a foreign Court, within whose jurisdiction said infant is domiciled, shall be authorized to receive, manage, control, dispose of, or remove the estate or property of his ward situated in this State: *Provided, however,* That before said Guardian shall be entitled to exercise the rights aforesaid over such estate or property of his ward, he shall procure an appraisement of said estate or property, other than money or debts due his ward, to be made by three sworn appraisers to be appointed by the Probate Court of the county in this State in which said estate or property may be situated, a copy of which appraisement shall be filed in said Probate Court, and another in the foreign Court from which his letters of guardianship issued; and if the said estate consists of money or debts only, said Guardian shall file in said Probate Court and foreign Court a full and complete inventory of the same, verified by his oath; and said Guardian shall also file in said Probate Court authenticated copies of his letters of guardianship and bond with a certificate from the Judge of said foreign

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Court that said appraisement or inventory, as the case may be, had been filed in said Court, that said bond was executed after the filing of said appraisement or inventory in said foreign Court, and that the same affords ample security for the amount, increase and faithful management of the estate or property mentioned in said appraisement or inventory, as well as the other estate or property of said infant, if any, within said foreign jurisdiction.

SEC. 2. *Be it further enacted*, That where application for the sale of land shall be made by a foreign Guardian to any Court in this State, evidence that he has fully complied with the provisions of the foregoing section of this act shall dispense with the necessity of giving bond and security, as were required in such proceeding.

Application for
sale of land by
foreign guard'n

Passed the Senate January 28th, 1861. Passed the House of Representatives January 31st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,103—[No 10.]

AN ACT giving the State a right of Peremptory Challenges in Criminal Cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the State shall be entitled to ten peremptory challenges in cases of Felony, and two peremptory challenges in cases of Misdemeanor: *Provided, however*, That the State shall not be permitted to place jurors at the foot of the panel.

State entitled
to peremptory
challenges.

SEC. 2. *Be it further enacted*, That whenever it shall be the intention of the Solicitor to recommend to the Attorney General to take an appeal, or writ of error, he shall at once, and as soon as the verdict of the jury is announced and the judgment of the Court rendered, give notice in writing to the accused or his attorney of such intention, which notice shall be copied upon the minutes of the Court; and it shall be the duty of the Court to let the accused at liberty upon his entering into such recognizance in such sum, and with such security, as the Judge presiding shall deem proper and right under the circumstances of the case, and if the accused shall not be able at the time, or during the term of the Court, to give the security required by the Court, the Clerk of the Court at any time thereafter, and before the next term of the Court, to take a bond for the amount with such security as he should approve of, from the accused, and thereupon the Sheriff shall set the accused at liberty; and should the At-

Solicitor shall
give notice of
appeal.

Court shall al-
low bail.

Clerk may take
bond.

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Att'y General
shall certify re-
fusal to take ap-
peal.

Accused shall
be liberated.

Peremptory
challenges.

torney General refuse to take the appeal or writ of error, as recommended by the Solicitor, he shall certify the same to the Clerk of the Court where the case was tried, and the Clerk shall spread the same upon the minutes of the Court, and if the accused shall have been recognized or given bond as aforesaid, the same shall henceforth be null and void, and if the accused shall still be confined in jail for the offence for which he or she was tried, he or she shall at once be released and set at liberty.

SEC. 3. *Be it further enacted*, That in all criminal cases the State shall be entitled to four peremptory challenges.

Passed the Senate February 9, 1861. Passed the House of Representatives February 13, 1861. Approved by the Governor February 14, 1861.

CHAPTER 1,104—[No. 11.]

AN ACT to amend an act to provide for Writs of Error in Criminal Cases, approved January 4th, 1848.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter writs of error in capital cases in the Circuit Courts of this State shall be allowed only in the manner and upon the terms provided now by law for writs of error in cases of misdemeanors and crimes not capital: *Provided, however*, That the Judges of the several Circuit Courts shall have the same power in allowing or directing writs of error to issue in such cases as the Justices of the Supreme Court have.

SEC. 2. *Be it further enacted*, That all laws or parts of laws conflicting with this act be and the same are hereby repealed.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 8th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,105.—[No. 12.]

AN ACT in relation to Crimes and Misdemeanors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, any person or persons who shall knowingly and wilfully cut, fell, or destroy any

Persons cutting
or destroying
timber on land
not their own.

Proviso as to
public lands.

timber on any land not his own, without being authorized by the owner or owners of such land, or their agent or agents, so to do, for any purpose whatever, shall be guilty of a misdemeanor, and shall be liable to be indicted, and on conviction thereof, shall be fined in a sum not exceeding double the value of the timber so cut, felled or destroyed, at the discretion of the Court: *Provided*, This act shall not apply to any settler upon the public lands who shall cut or fell timber on the same, merely for the purposes of clearing land for cultivation or necessary plantation purposes, and in all indictments under this act for trespass on private property there shall be a prosecutor set at the foot of the indictment who shall be liable for costs on failure to convict.

Passed the House of Representatives February 6, 1861. Passed the Senate February 9, 1861. Approved by the Governor February 13, 1861.

CHAPTER 1,106—[No. 13.]

AN ACT to change the mode of selecting Grand and Petit Jurors in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the several Boards of County Commissioners of this State, immediately after the passage of this act, to make out and furnish to the several Solicitors of their respective Circuits a complete list of all free white males, within their several counties, between the ages of twenty-one and sixty years.

Board of County
Comi's to make
lists of persons
between the
ages of twenty-
one and sixty
years.

SEC. 2. *Be it further enacted*, That the said Solicitors shall lay the said list before the Grand Juries next to be empaneled in the several counties, and it shall be the duty of the said Grand Juries carefully to revise the said lists and from the same to erase the name of every individual who is incompetent from physical incapacity, who is a common drunkard or of a notoriously depraved moral character, or who has been convicted of any infamous crime, either in this State or elsewhere, and only select from said list the names of such persons as may be adjudged competent to discharge the duties of Grand and Petit Jurors with honesty, impartiality and intelligence, and are esteemed for their integrity, fair character and judgment, and the list so revised shall be returned by the said Grand Juries to the Circuit Court before the adjournment thereof.

List to be laid
before Grand
Juries.

Grand Juries to
revise list.

Grand and Petit
Jurors, who
competent for.

SEC. 3. *Be it further enacted*, That from the list so revised and corrected, it shall be the duty of the Circuit Court, before

¶Court to cause
Grand and Pe-
tit Jurors to be
selected.

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Mode of selection.

their adjournment, to cause thirty-nine Jurors to be selected by lot, who shall constitute the Grand and Petit Jurors for the next term of the said Circuit Court; and it shall be the duty of the Grand Jury then present to select the names of fifteen persons from the said list of thirty-nine drawn, such as they in their best judgment shall deem best calculated to serve as Grand Jurors, and a venire for the said thirty-nine Jurors shall issue from the Court specifying the time and place of their attendance, designating therein those who were selected as Grand Jurors.

Absentees.

SEC. 4. *Be it further enacted*, That upon the opening of the Court the list of Jurors in attendance shall be called, and if any who were selected as Grand Jurors shall not be present, from those not selected as Grand Jurors, answering to their names, a sufficient number to make up the number of fifteen shall be elected by lot to serve as Grand Jurors, and the remaining shall be Petit Jurors.

Persons incompetent.

SEC. 5. *Be it further enacted*, That no person against whom any criminal proceeding is pending, either before or after indictment, shall be competent to serve as a Grand or Petit Juror until such proceeding is finally disposed of.

Grand Jury to revise list.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Grand Jury at every session carefully to revise the jury list and add thereto the names of any persons who may have moved into the County or attained the age of twenty-one years, and who are competent jurors as aforesaid, or strike therefrom the names of any persons who by death, removal or from any other cause, have ceased to be competent jurors.

Defaulting Jurors.

SEC. 7. *Be it further enacted*, That the several Judges of the Circuit Courts may cause to be issued a capias for each and every person who shall fail to answer to his name on the opening of the Court, unless a valid excuse shall be presented at the time for the absence of said person, which capias shall be returnable either on any day during that term, or on the first day of the next term, and on the return of said capias the defaulting juror may be fined in any sum not exceeding twenty-five dollars, which the Court may see fit to impose, and compelled to remain in attendance, (without pay,) on the Court to which the said capias is returnable during the whole term thereof, and shall in all cases be required to pay the costs of the proceedings against him, unless said juror shall satisfy the Court that it was impossible for him, either to attend or send his excuse on the first day of the term to which he was summoned.

Special venire.

SEC. 8. *Be it further enacted*, That in all capital cases the Court in its discretion may order special venires, and all such special venires shall be selected by lot under the immediate supervision of the Court from the whole undrawn list of jurors of the County, but this shall not prevent a bystander from being

1860.

called and sworn on a jury where no objection is made on either side.

SEC. 9. *Be it further enacted*, That the several Judges of the Circuit Court shall be, and they are hereby required specially to see that the provisions of this act are respected and obeyed by the several County Commissioners, Grand Jurors, and others, and any person failing or neglecting to discharge the several duties required of them by this act may be indicted and on conviction shall be fined in any sum not exceeding one hundred dollars, at the discretion of the Court.

Judge to see that this act is respected.

Penalty.

SEC. 10. *Be it further enacted*, That that the names of all persons who have once been drawn as jurors, after the passage of this act, shall be kept separate and distinct from those who have not been so drawn, and no person shall be drawn to serve a second time until the whole jury list shall have been exhausted.

Parsons drawn as jurors.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Clerk of the Circuit Courts to record the jury lists, in a book to be kept for that purpose, and to record therein such alterations as from time to time may be made therein, and he shall record on the minutes of the Court the list drawn to serve as Grand and Petit Jurors.

Clerk shall record jury lists.

SEC. 12. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Passed the Senate January 24, 1861. Passed the House of Representatives January 31, 1861. Approved by the Governor February 8, 1861.

CHAPTER 1,107—[No. 14.]

AN ACT to facilitate Criminal Prosecutions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That no indictment shall be quashed, or judgment in a criminal case be arrested, or new trial granted, on account of any defect in the form of the said indictment, or of misjoinder of offences, or of failure to conclude in proper form against the statute or statutes, or for any other cause whatsoever, unless the Court hearing and deciding upon any such application shall be of opinion that the said indictment was so vague, indistinct and indefinite as to mislead the accused and embarrass him, her or them in the preparation of his, her or their defence, or expose him, her or them, after conviction or acquittal, to substantial danger of a new prosecution for the same offence.

Indictm't shall not be quashed for defect in form.

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Solicitor shall
specify offences
charged.

SEC. 2. *Be it further enacted*, That at any time before trial, when it shall appear to the Court that an indictment is vague and indefinite as aforesaid, it shall be the duty of said Court, on the application of the accused, to require the Solicitor to specify in writing all the details of the offence charged against said accused with sufficient distinctness as to avoid the said objection, which specification shall be deemed and taken to be a part of the said indictment.

Details of of-
fence charged
to be specified.

SEC. 3. *Be it further enacted*, That at any time either before or after trial, when it shall appear to the Court, on the application of the accused, that the vagueness of the indictment would expose the accused to substantial danger of a new indictment for the same offence, it shall be the duty of the said Court to require the Solicitor to specify in writing the details of the offence charged against the said accused with sufficient distinctness as to obviate the said objection, which specification shall constitute a part of the record in said case.

Motion in ar-
rest of judgment.

SEC. 4. *Be it further enacted*, That no motion to quash in arrest of judgment, or for a new trial, shall be granted whenever, in the opinion of the Court hearing the same, the accused can be secured in a fair and impartial trial in all his, her or their legal privileges, by either of the foregoing proceedings.

Passed the Senate January 24th, 1861. Passed the House of Representatives January 26th, 1861. Approved by the Governor February 2d, 1861.

CHAPTER 1,108—[No. 15.]

AN ACT to vest the several Circuit Courts of this State hereinafter named with the powers which were possessed by the late District Court of the United States for the Northern District of Florida, and to provide for a transfer of the records of the same, and for other purposes.

U. S. Courts re-
cords shall be
transferred to
Circuit Courts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Records, Judgments, and Judicial proceedings which existed or were pending in the late District Court of the late United States for the Northern District of Florida, shall be transferred unto the Circuit Courts of this State, in the manner following, to-wit: at the cities of St. Augustine, Tallahassee, Apalachicola and Pensacola, be, and the same are hereby ordered and directed to be transferred to the several Circuit Courts in and for the several counties in which are situated the said places wherein said late District Court held its sessions as aforesaid, and had its clerks and offices, and the said persons who held the of-

Manner of
transfer.

Clerks to deli-
ver records.

fice of Clerk of the said District Court on the tenth day of January, of the present year, are hereby required to deliver the said records of said District Court in their custody to the clerks of the Circuit Courts to which by the foregoing provisions of this section they are directed to be transferred.

SEC. 2. *Be it further enacted*, That the several Circuit Courts having jurisdiction in the several counties in which the said late District Court of the United States had its clerks and offices and held its sessions, shall proceed to take cognizance and jurisdiction of all cases, suits, and judicial proceedings which existed or were pending in the said District Court at the said several places in said several counties where the said sessions of said District Court were held, and all proceedings before said Circuit Courts in respect of said matters herein provided to be transferred to said Courts, shall be conducted in like manner as though the same had been originally begun and commenced therein; excepting however from this provision all cases which are of an admiralty and maritime character, the proceedings in which shall be governed by the laws and practice which prevailed in and governed the Courts of the late United States, and the said Judges shall appoint commissioners with the powers which were possessed by the commissioner appointed by the Judge of the late District Court of the United States for the Northern District of Florida, and until such appointments are made, the late Clerks of the said late District Court are empowered to act as such commission.

Jurisdiction.

Cases of Admiralty and maritime character.

Judges to appoint Commissioners.

SEC. 3. *Be it further enacted*, That said Circuit Courts shall have and exercise the power of admiralty and maritime courts as the same existed under the Constitution and laws of the late United States, and in the exercise of such power, said Circuit Courts shall be governed by the laws and practice which prevailed in the Circuit and District Courts of the late United States, until the same are altered or amended by the laws of this State.

Circuit Courts vested with Admiralty and maritime jurisdiction.

SEC. 4. *Be it further enacted*, That said Circuit Courts, acting within the limits of the jurisdiction herein conferred, shall have power to issue process, to enforce the collection of all unsatisfied judgments and decrees which were of record in said late District Court, and to provide for the continuance of the said judgments and decrees of full force and effect, for the authentication of records and judicial proceedings of said late District Court, the form and style of which process and the practice and execution thereof, shall be the same in all respects as that of the said similar process issued by the said Circuit Court, and the manner of authenticating said record shall be regulated by the laws and practice governing such Circuit Courts in other and similar matter.

Unsatisfied judgments.

Authentication of records, &c.

SEC. 5. *Be it further enacted*, That it shall be the duty of

Marshal to make returns.

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the Marshal of the Northern District of Florida and his deputies to make return of all writs and process which are in their hands to such clerk of the Circuit Courts of this State to which, under this act, they properly are made to be returnable, and said Marshal shall be subject to obey all orders of the said Circuit Courts touching any matter hereby provided to be subject to, and under the jurisdiction of the said Circuit Courts.

SEC. 6. *Be it further enacted*, That the said Judges of the said Circuit Courts, upon whom the jurisdiction aforesaid has been conferred, shall require all records and judicial proceedings which were of said late District, which may come under their jurisdiction and authority, to be kept separate and distinct from the other records and proceedings of their said Courts, and all future proceedings to be had in any cause hereby provided to be transferred, and all admiralty and maritime proceedings shall be kept so separate and distinct, and all entries in any of said cases shall be made in a minute book separately to be kept therefor by the said Clerk of said Courts.

Passed the House of Representatives February 9th, 1861. Passed the Senate February 13th, 1861. Approved by the Governor February 14th, 1861.

Proceedings of late District Ct. to be kept distinct from other records.

CHAPTER 1,109—[No. 16.]

AN ACT to amend an act to provide for the payment of Physicians who are summoned to attend Coroners' Juries, approved January 11th, 1855.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an act to provide for the payment of Physicians who are summoned to attend Coroners' Juries, approved January 11th, 1855, shall be so amended and construed as that the jury shall not request the Coroner to summon a Physician to assist them in their examination, until after the jury shall have been empaneled and sworn and made an examination of the body, and then, not until they (if they shall) come to the conclusion that it is absolutely necessary to have a Physician to assist them in their further examination,) it shall be the duty of the Coroner to summon such Physician, and no Coroner shall summon a Physician until he shall be requested as aforesaid; and if any Physician shall otherwise attend said inquest, he shall not be paid by the State therefor, and the jury shall state the fact in their verdict whether or no they requested the attendance of a Physician or whether or no a Physician accordingly attended, and the name of the Physician, a duplicate of which verdict shall be filed in

Jury may request attendance of physicians if necessary.

Verdict.

the Clerk's office of the Circuit Court of the county where the inquest was held.

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~~Passed the House of Representatives February 1st, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 12th, 1861.~~

CHAPTER 1,110—[No. 17.]

AN ACT to amend the 22d Section of the Act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6th, 1855.

WHEREAS, Doubts have been suggested whether, by the section of the act to which this is an amendment, the receipt for the payment of the tax levied and collected by the counties subscribing for stock in any Railroad Company entitles the payers thereof to a transfer of stock, where the tax levied has been so levied and collected for the purpose of paying outstanding bonds, for remedy whereof,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the County Commissioners of any county in this State, which shall have subscribed for stock in any Railroad Company under the provisions of the act to which this is an amendment, shall distribute the stock paid up, or for which bonds have been issued and paid *pro rata*, and transfer and assign to the parties holding tax receipts for taxes levied to pay for any instalment of stock, or for any bond or bonds issued by such county to pay for such instalment or instalments of stock, each person holding such receipts surrendering the same to be entitled to a *pro rata* portion of the stock paid up, or for which bonds have been issued and afterwards paid, which distribution and transfer shall continue as fast and as often as the outstanding bonds are taken up or paid by the county; and thereafter the stock so distributed and transferred shall be represented by the holders thereof, and the county shall only be entitled to represent the remaining stock subscribed for by it.

County Com'rs shall distribute stock *pro rata* to holders of tax receipts.

SEC. 2. *Be it further enacted,* That the several counties subscribing for shares of stock as aforesaid, shall have the right and power, by the consent of the Company in which it holds the stock subscribed for by it, to sell and transfer the stock held by it, for which its bonds are outstanding, without waiting until the bonds issued for the purpose of raising money to pay for its stock shall be paid.

County may sell stock by consent of Company.

SEC. 3. *Be it further enacted,* That if any tax-payer shall pre-

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Lost tax recpts.

sent to the County Commissioners a certificate of his having given public notice in a newspaper, published in or nearest to the county of his residence, for one month, of his having lost his tax receipt or receipts, and of his intention to apply for a transfer of his *pro rata* share of the stock as authorized by this act, and shall likewise file with the County Commissioners his affidavit of his having lost his tax receipt or receipts, the County Commissioners on his application shall transfer to him his *pro rata* portion of the stock, taking as a basis, in the absence of his tax receipt or receipts, the tax book of the county filed with them.

Passed the House of Representatives February 11th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,111—[No. 18.]

AN ACT requiring Railroad Companies to maintain proper Cattle Guards and Railroad Crossings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That whenever any cattle guards to any enclosure of any Railroad Company shall require repairs, it shall be the duty of the said Railroad Company promptly to repair the same; and if any Railroad Company shall fail or refuse for ten days to repair any such railroad crossing or cattle guard, after having been required so to do by a notice in writing, signed by any citizen of the county where said crossing or cattle guard is situated, which notice may be served upon the President, any Director, Superintendent, Secretary, Treasurer, Conductor, Station Agent, Road Master, Track Master or Overseer of road in the employ of said Company, it shall be lawful for the person giving said notice to repair said railroad crossing or cattle guard at his or her own expense, and in a suit against said Company before any Court of competent jurisdiction to recover double the cost of repairing said road crossing or cattle guard.

SEC. 2. *Be it further enacted,* That said suit may be brought in the county or magistrate's district where said railroad crossing or cattle guard is situated, and the summons may be served on any of the officers named in the first section of this act.

Passed the Senate February 5, 1861. Passed the House of Representatives February 7, 1861. Approved by the Governor February 12, 1861.

R. R. Co. shall
repair cattle
guards.

Notice.

Company to pay
costs of repair.

Suit how bro't.

CHAPTER 1,112—[No. 19.]

AN ACT fixing the pay of Members of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That each and every member of the General Assembly of this State shall be entitled to and receive as compensation for his services five dollars per diem, for the time he shall be in actual attendance upon the General Assembly, and ten cents per mile for every mile of necessary travel, going to and returning from the same.

Per diem.

Mileage.

SEC. 2. *Be it further enacted,* That before the Comptroller of the State shall issue his warrant to any member of the General Assembly for his services as such member, said member must make and furnish the Comptroller with a certificate of the number of days consumed while he was in actual attendance upon the General Assembly, and the number of miles necessarily traveled by him in going to and returning from the same.

Certificate to be furnished by member.

SEC. 3. *Be it further enacted,* That this act shall not take effect until after the expiration of the present session of the General Assembly.

Time when this act shall take effect.

Passed the House of Representatives February 13th, 1861. Passed the Senate February 13th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,113—[No. 20.]

AN ACT to alter and change the time of holding the several terms of the Supreme Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the close of the terms of the Supreme Court now being held for the present year, the said terms shall be held at the following times and places, that is to say: for the Western Judicial Circuit, at the town of Marianna, on the third Monday in March; for the Middle Circuit, at the city of Tallahassee, on the first Monday in December; for the Eastern Judicial Circuit, at Jacksonville, and beginning on the first Monday in February; for the Southern Judicial Circuit, at Tampa, and beginning on the first Monday in March; and for the Suwannee Judicial Circuit, at Lake City, and beginning on the third Monday in February, at which said last-mentioned place shall be heard

Terms of the Supreme Court.

Suwannee Circuit.

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Cases under ad-
visement.

Proviso.

In case of dis-
qualification of
Justice of Su-
preme Court.

and determined all appeals and writs of error and all other matters of law or equity arising within the jurisdiction of the said Suwannee Circuit.

SEC. 2. *Be it further enacted*, That when from want of time, or from any other cause, the Court may take a case under advisement, it shall be lawful to pronounce the judgment and deliver the opinion thereon at either of the points before designated: *Provided*, That a certified copy of the said judgment shall forthwith be transmitted to the Clerk of the Court at which the case was heard and entered upon the minutes of the same.

SEC. 3. *Be it further enacted*, That whenever either of the Justices of the Supreme Court shall be legally disqualified to set at the hearing of any cause, the Court may either require the attendance of one of the Circuit Judges at the place where the case is docketed, or, by the consent of parties, may transfer the same to either of the other points where the Court is directed to be held, as they in their discretion may deem best.

Passed the Senate January 30th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,114—[No. 21.]

AN ACT to encourage the formation of Cavalry and Mounted Companies in this State for military service.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the arms and accoutrements owned by any member of any Company of Cavalry or Mounted Men, now organized or to be organized under the militia laws of this State, shall be exempt from levy or sale under execution or other judicial process, and the said arms and accoutrements of said member shall be exempt from taxation.

Arms exempt
from levy and
taxation.

SEC. 2. *Be it further enacted*, That if the services of any Company of Cavalry or Mounted Men shall be tendered to the Governor of this State, the horse of any member of such Company shall be exempt from levy and sale until the 1st Monday in March, A. D. 1862, and at all times thereafter, when such Company or Companies shall be actually in the service of the State, such horse shall be exempt from taxation as well as from levy and sale.

Horse exempt
from levy and
taxation.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 5th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,115—[No. 22.]

AN ACT extending the time for making demands on Railroad Companies and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the time for making demands upon the several Railroad Companies in this State for payment for stock killed or injured, be and the same is hereby extended to twelve months.

Extension of
time of demand.

SEC. 2. *Be it further enacted,* That for all stock killed by any Railroad Company in this State, the same shall be reported to and paid for at the nearest depot where there is an agent of said Company where said stock was killed or injured; and that it shall be the duty of the conductors on said road or roads to take down an accurate description of said stock, with the flesh marks, and marks and brands, and report the same to the agent at said nearest depot.

Stock killed,
where reported.

Duty of Con-
ductors.

SEC. 3. *Be it further enacted,* That the conductors of the several railroads shall, before a Justice of the Peace, take an oath to carry out the provisions of this law, and upon failure to do so, shall be held responsible in law for all stock killed or injured by their trains, or the train or trains that they may be in command of at the time.

Conductors to
be sworn.

Passed the House of Representatives January 31, 1861. Passed the Senate February 5, 1861. Approved by the Governor February 8, 1861.

CHAPTER 1,116—[No. 23.]

AN ACT to provide for the service of Civil Process in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act in all cases in which any foreign corporation, Insurance or Banking Company, transacting business by or through an agent in this State, shall be liable to be sued, the service of the writ or other process upon such agent shall be taken to be as valid a service upon such corporation, of which he is agent at the time of such service, as if such corporation, Insurance or Banking Company was located in and had been chartered by the Legislature of this State.

Service of pro-
cess on agent
of foreign cor-
porations.

Passed the House of Representatives February 4, 1861. Passed the Senate February 8, 1861. Approved by the Governor February 12, 1861.

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CHAPTER 1,117—[No. 24.]

AN ACT to provide the mode and manner of giving notice in actions of Ejectment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the ordinary writ of summons may be issued in all suits in ejectment in this State, and in no case shall it be necessary to serve a copy of the declaration in such suits upon the defendant or defendants therein.

Ordinary writ
of summons
may issue.

Service of copy
of declaration
not necessary.

Passed the House of Representatives February 7th, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,118.—[No. 25.]

AN ACT requiring certain Statements to be made in the reports which the several Banks of this State are required to make to the Governor or Comptroller of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the reports which the several Banks of this State, organized or to be organized by virtue of said acts of Incorporation, are required to make to any Executive officer of this State, shall contain a statement of,

Contents of re-
port.

First—The amount of the certified stock of the capital stock paid in.

Second—The value of the real estate owned by the Bank, and what portion is [has] been paid for the transaction of business.

Third—The debts owing to the Bank, specifying such as due from monied or other corporations or associations; the names of such corporations or associations, and the amount due from each, and also specifying the amount secured by bond and mortgage, or judgment; the amount which ought to be included in the computation of losses and the total amount of such debts then collectable.

Fourth—The amount of debts owing by the Bank, specifying such as are payable on demand, and such as are due to monied or other corporations or associations, and the amount due to each.

Fifth—The amount of claims against the Bank not acknowledged by it as debts.

Sixth—The amount for which the Bank is bound as security,

or for which it may become liable on the happening of contingent events, specifying the events upon which this amount is contingent.

Seventh—The amount of bills or notes in circulation.

Eighth—The amount of loans and discounts.

Ninth—The amount of specie on hand, that is to say, the amount of coin, exclusive of the amount of bills of specie paying banks, or deposits in specie paying banks.

Tenth—The amount of the losses of the Bank charged, specifying whether charged on its capital or its profits, since the last statement, and of the dividends declared and made during the same period.

SEC. 2. *Be it further enacted*, That should the officers of any Bank neglect to make the reports, which they are required to make to any executive officer of this State, for one month after the times specified in their charter, or should they fail to embody in their reports the statement required by the preceding section, it shall be the duty of the Governor immediately to appoint some fit and proper person to act as Receiver for such Bank, whose duty it shall be, as soon as possible, to take into his possession the Books and assets of said Bank and collect the assets so soon as the same can be done, and pay off all the liabilities of said Bank, paying first the face of the outstanding notes; second, all unpaid drafts, if any; third, deposits; fourth, interest on the said notes and fees of protests; fifth all other liabilities.

Faflure to make report.

Governor shall appoint Receiver.

Liabilities of Bank, how paid

SEC. 3. *Be it further enacted*, That if the said Receiver shall find at any time that the assets of such Bank are not sufficient to pay off all the liabilities of the same, together with the costs of liquidations, he shall immediately report the fact to the Circuit Court for the county in which such Bank is located, together with the probable deficiency, the name and residence of the stockholders, the shares held by each, which report shall be under oath, and thereupon the Clerk of said Court shall issue a citation to the shareholders of said Bank to appear before the Judge of the Circuit Court at the next term of said Court to be holden at least thirty days after the issuing of said citation, and show cause, if any they have, why judgment should not be declared against them for their respective pro rata shares of said deficiency, a copy of which citation shall be published in a newspaper printed as near the location of said Bank as is convenient from the date of its issuing, until the holding of said Court.

In case of insolvency.

Report to be made to Circuit Court.

Share holders shall be cited.

Citation shall be published.

SEC. 4. *Be it further enacted*, That upon its being made to appear that the said citation has been published for thirty days as aforesaid, it shall be the duty of the Judge of said Court to cause judgment to be entered up against said stockholders separately for their respective pro rata shares of said assumed defi-

Judg't against stockholders.

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Bond of Receiver.

Compensation.

ciency, and execution shall issue on said judgment as in other cases.

SEC. 5. *Be it further enacted*, That said Receiver shall be required to give bond, in a sum equal to the capital stock of said Bank, before taking possession of the assets, said bond to be approved by the Governor, and said Receiver shall be allowed reasonable compensation, and his reasonable and necessary expenses in performing his duties.

Passed the House of Representatives February 8th, 1861. Passed the Senate February 13th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,119—[No. 26.]

AN ACT to provide Additional Safeguards for Persons and Property upon the Railroads of this State.

Employee of R. R. Co. guilty of negligence.

Penalty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That when an Engineer, Fireman, or other employee, of any Railroad Company of this State, is guilty of negligence or carelessness whereby an injury is done to any person or property, he shall be subject to indictment, and, upon conviction thereof, shall be fined in a sum not exceeding one thousand dollars, or imprisoned not exceeding twelve months, at the discretion of the Court.

Gross carelessness.

Penalty.

SEC. 2. *Be it further enacted*, That whoever, having management or control of or over any railway train, while being engaged or used for the common carriage of persons, is guilty of gross carelessness or neglect in or in relation to the conduct, management or control thereof, shall likewise be subject to indictment, and, upon conviction, shall be fined in a sum not exceeding five thousand dollars, or imprisonment not more than three years, at the discretion of the Court.

Passed the House of Representatives February 12th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,120—[No. 27.]

AN ACT providing for the maintainance of the Light Houses on the sea board.

Governor shall cause oil, &c., to be furnished Light Houses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever it shall come to the knowledge of the Governor of this State that the late Federal Government has ceased to supply any Light House in this State with the oil, lamps and

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other necessities for properly maintaining said light, he shall take the necessary steps for furnishing the same, and all accounts for such articles certified by the Governor, or by any agent appointed by him, shall be audited by the Comptroller and paid by the Treasurer out of any moneys not otherwise appropriated.

SEC. 2. *Be it further enacted*, That the keepers of Light Houses shall be allowed the same pay and emoluments allowed by the late Federal Union, to be paid at such times and places as the Governor may prescribe.

Pay of Light
House keepers.

SEC. 3. *Be it further enacted*, That the Governor may delegate all his authority over the Light Houses, or any point thereof, including the power of removal and appointment of keepers, to the Collectors of customs of the respective Districts, or to the Mayors of towns adjacent thereto, or to the Judges of Probate of the counties in which they are situated.

Governor may
delegate his au-
thority over L't
Houses.

Passed the Senate February 7th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,121—[No. 28.]

AN ACT to regulate Fishing on the Coast of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all acts or parts of acts heretofore passed for the protection of the fisheries of the coasts of this State, be and the same are hereby repealed: *Provided, however*, That nothing contained in this act shall be construed to invalidate any fishing license which may have been granted according to law prior to the passage of this act.

Repeal of fish-
ing laws,

Proviso as to
Licenses issued

SEC. 2. *Be it further enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons, not citizens of this State, or for any vessel of any size or description, which may not be *bona fide* owned by a citizen or citizens of this State, to establish a fishery on any land on the coast or be employed in catching or taking any fish or turtle on the coast, or in any of the seas, bays, rivers, creeks or harbors, or within a marine league of the coasts of said State, with intent to carry the same out of the State or to any market within the State, without first having obtained a license in the manner hereinafter provided for.

Persons not cit-
izens of the
State must ob-
tain license.

SEC. 3. *Be it further enacted*, That the Tax Assessors and Collectors of the several counties are hereby constituted Fish

Tax Collectors
constitut'd Fish
Commissioners

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License.

Commissions.

License tax
how divided &
paid.Returns of Com-
missioners.Funds how ap-
propriated.Persons failing
to obtain license

Penalty.

Forfeiture of
boats, &c.Duty of Tax
Collectors.
Libel.

Attachment.

Commissioners, and by virtue of this act authorized to issue and grant licenses to any person making application upon payment of five hundred dollars, (\$500) which said license shall be valid to the party obtaining the same for one year from the date thereof and no longer; and the said Tax Assessors and Collectors shall be allowed a commission of five per cent. upon all licenses so issued, which commission they are hereby authorized first to deduct from the amount so received, the remainder of the license tax, after deducting per centage as herein specified, they shall divide into two equal parts, paying one-half into the State Treasury and the other half into their respective county treasuries; and the said Tax Assessors and Collectors are hereby required to make semi-annual returns, to-wit: on the first days of January and July, of each year, to the Comptroller of the State and Judge of Probate of their respective counties of all licenses so issued and tax collected.

SEC. 4. *Be it further enacted*, That the funds paid into the county Treasury, by virtue of the provisions of this act, shall be exclusively appropriated by the County Commissioners, as far as the same may be necessary, for harbor improvements, under the direction of the Commissioners of Pilotage for the port of said county.

SEC. 5. *Be it further enacted*, That if any person or persons, who are by the provisions of this act required to take out a fishing license, shall fail or neglect to obtain such license, or shall otherwise violate the provisions of the second section of this act, shall be liable to indictment, and, on conviction, shall be fined in a sum not less than one thousand dollars, at the discretion of the Court; and it shall be the duty of the several Solicitors in this State to prosecute all cases that may arise under the provisions of this act.

SEC. 6. *Be it further enacted*, That any and all vessels, boats or other water craft, employed by any person or persons in fishing contrary to the provisions of the second section of this act, shall be liable to seizure and forfeiture; and it shall be the duty of the Tax-Assessors and Collectors, in their respective counties, in all cases of vessels, boats or other water craft employed as aforesaid contrary to the provisions of this act, to institute proceedings in any of the Circuit Courts of this State in the name of the State in the nature of a libel, and on the filing of such proceedings, it shall be the duty of the Circuit Court, or the Judge thereof in vacation, to order an attachment and direct the Sheriff of the county to seize and take into custody such vessel, boat or other water craft, and to give notice of such proceedings to the owner thereof, or to the person having command of the same, to appear at a certain day and time therein to be appointed by said Court or Judge, to answer the said complaint; and on

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the trial of the same, the said Court or Judge shall, if it shall be adjudged that said vessel, boat or other water craft has been employed contrary to the provisions of this act, decree the condemnation and sale of same, the proceeds of which sale shall be paid one-half into the State and the other half into the county Treasury, after deducting all expenses, including Tax-Assessors' and Collectors' fees, or, otherwise to order restitution of the same.

Condemnation and sale.

Proceeds of sale

SEC. 7. *Be it further enacted*, That the Circuit Courts of this State shall always be open for the trial of cases arising under the provisions of this act, except in reference to any indictment that may be preferred against any person or persons for violating the same.

Trial of cases arising under this act.

SEC. 8. *Be it further enacted*, That no license which may be issued under the authority of this act shall authorize more than twenty persons to be engaged in fishing under the same, and such license shall include and be applicable to one boat, smack or other water craft only.

License, extent of.

SEC. 9. *Be it further enacted*, That it shall not be lawful for any person or persons, citizens or non-residents of this State, with or without a license, to engage in catching fish for the roes only, or turtle for the eggs only, or in any manner wantonly destroying the fish or turtle on the coast of this State, or within the bounds described in the second section of this act; any person or persons so offending, shall be deemed guilty of a violation of this act and amenable to provisions contained in the fifth section for fishing without license.

Roes of fish, &c.

Wanton destruction of fish or turtle.

Penalty.

SEC. 10. *Be it further enacted*, That the money collected under this act, as far as the same relates to the county of Franklin and the bay, harbor and rivers in said county, be and the same is hereby exclusively appropriated to the city of Apalachicola for clearing out or otherwise improving the channel at said city or for other harbor purposes; and the Tax Assessors and Collectors or the Sheriff in said county, as the case may be, are hereby instructed, from time to time, to pay over said money as collected, to the Treasurer of said city, to be applied by the Mayor and Council of said city as in this section provided.

Moneys collected in the co. of Franklin under this act.

Passed the House of Representatives January 20th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 12th, 1861.

1860.

CHAPTER 1,122—[No. 29.]

AN ACT to amend the act of 1851, providing for the establishment of two Seminaries of Learning. *C337-1851-97*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Board of Education of the Seminary West of the Suwannee, located at Tallahassee, be and they are hereby empowered to organize the said Seminary upon a collegiate and military basis, and to make for the government of said Institution such rules and regulations as may be necessary to carry out the provisions of this act, not inconsistent with the laws of this State, or the general provisions of the act under which the said Seminary is established.

Seminary West of th' Suwannee may organize on collegiate & military basis.

Faculty may give diplomas.

SEC. 2. *Be it further enacted,* That the faculty of said Seminary are hereby empowered to give diplomas to and confer degrees upon such of its students as shall have satisfactorily completed the course of studies prescribed by the said Board of Education.

Seminary East of the Suwannee.

SEC. 3. *Be it further enacted,* That all the provisions of this act be equally applicable to the Seminary East of the Suwannee, located at Ocala.

Passed the House of Representatives February 8th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,123—[No. 30.]

AN ACT placing certain Minor Children under the guardianship and jurisdiction of the Probate Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all minor children whose fathers shall have died insolvent, and whose mothers shall be unable to support and maintain or provide properly for such children, shall be deemed and considered as orphans and shall be provided for as other orphans now are under the laws of this State.

Certain minors deem'd orph'ns.

To be provided for.

Passed the Senate January 15th, 1861. Passed the House of Representatives January 21st, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,124—[No. 31.]

AN ACT for the better preservation of the State Judicial Library.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Judicial Library of the State be and the same is hereby placed under the exclusive control and supervision of the Supreme Court of the State.

Judicial Library placed under the control of Supreme Court.

SEC. 2. *Be it further enacted,* That, with a view to the gradual increase and enlargement of said Library, there shall be annually printed and bound, in addition to the number of copies of the reports of the said Court now authorized by law to be printed, twenty-five copies, to be exchanged, under the direction of said Court, for the reports of other States.

Increase of Library.

Passed the House of Representatives 6th February, 1861. Passed the Senate 9th February, 1861. Approved by the Governor 13th February, 1861.

CHAPTER 1,125—[No. 32.]

AN ACT to amend the acts creating liens in favor of Builders, Material Men, Mechanics, Laborers and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any person employed either by a contractor or other person to furnish materials or to perform work and labor upon any building being erected or repaired, or to be erected or repaired and wishing to avail himself of the benefit of this act, shall prior, to the furnishing of such materials, or the performance of such work and labor, in writing notify the owner or proprietor, or his agent, of the building to be erected or repaired, or being erected or repaired, of his intention to furnish such materials, or perform such work and labor, which notice, upon being accepted in writing by the said owner or proprietor or his agent, shall be filed with the Clerk of the Circuit Court of the county in which such building may be situated, and such notification and filing of a copy of the same shall create a lien upon the building being erected or repaired, or to be erected or repaired, in favor of such builder, material, man, mechanic or laborer.

Persons employed by contractor, &c.

Notice to owner

Lien.

SEC. 2. *Be it further enacted,* That it shall be the duty of the owner, proprietor or agent of the building aforesaid, upon any payment or settlement to be made by him to or with the person

Duty of owner.

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contracting to erect or repair said building, to bring into the account such sum or sums as may be then due to the said builders, material men, mechanics, or other laborers, and upon the allowance of the same by the said contractor, to retain such sum or sums for the payment of said builders, material men, or other laborers.

Neglect or refusal of owner to pay.

SEC. 3. *Be it further enacted*, That if, upon the completion of the contract for the furnishing of materials, or the performance of work and labor as aforesaid, the owner, proprietor, or agent of the building aforesaid, shall neglect or refuse to pay such builder, material man, mechanic or other laborer, such sum or sums of money as may be then due and owing to him, such builder, material man, mechanic or other laborer shall be entitled to his action to recover the same of and from said owner, proprietor or agent as aforesaid, and the lien hereinbefore created shall in no case be waived or lost until the compensation for such material or service shall be fully satisfied.

Lien.

Payment discharge *pro tanto*

SEC. 4. *Be it further enacted*, That upon the payment by the owner, proprietor or agent of the building aforesaid, according to the provisions of the 2d section of this act, such payment shall be a discharge in favor of such owner, proprietor or agent *pro tanto* upon the contract which he may have entered into with any contractor for the erection or repairing of such building: *Provided*, Said contractor be the person who caused said materials to be furnished, or labor to be performed.

Repeal.

SEC. 5. *Be it further enacted*, That all laws inconsistent with the provisions of this act be and the same are hereby repealed.

Passed the House of Representatives January 21, 1861. Passed the Senate January 27, 1861. Approved by the Governor February 8, 1861.

CHAPTER 1,126—[No. 33.]

AN ACT to punish Breaches of Trust by Telegraphic Operators.

Oath of secrecy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*,

Indictment and fine.

That every officer, clerk, agent or employee of any telegraph office in this State, shall, before entering on the duties of his office, take an oath before some person authorized to administer the same that he will not exhibit any message passing through said office or communicate the contents thereof to any person whatsoever, except to those lawfully entitled to know the same; and any person entering upon the duties of any such office before taking the oath aforesaid, may be indicted, and on conviction

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fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

SEC. 2. *Be it further enacted*, That if any clerk, employee or other agent of any telegraph office in this State, shall at any time exhibit any message or communicate the substance thereof to any person other than those lawfully entitled to know the same, he may be indicted, and on conviction thereof fined in a sum not exceeding five hundred dollars, at the discretion of the jury.

Punishment
for violations of
oath.

SEC. 3. *Be it further enacted*, That whenever the emergencies of the public service may require it, it shall and may be lawful for the Governor of this State to commission one or more persons to act as inspectors of any telegraph office in this State, which person shall, before undertaking to discharge the duties enjoined upon them, take the oath prescribed in the first section of this act, and for any breach of trust shall be liable to the penalties prescribed in the first and second sections of this act; and it shall and may be lawfully for the said inspectors to examine every communication passing through said office and suppress or withhold the same, as in their opinion the exigencies of the public service may require.

§ Governor may
appoint inspec-
tors.

Oath.

Inspectors to
examine com-
munications in
certain cases.

SEC. 4. *Be it further enacted*, That no inspector appointed as aforesaid shall, for his services in that capacity, be entitled to any pay whatsoever.

Inspectors not
entitled to pay.

SEC. 5. *Be it further enacted*, That if any person or persons shall sustain damages by any officer, clerk, agent or employee aforesaid, by a violation of this act, the owner or owners of said telegraph office or telegraph line shall be responsible to the person or persons sustaining such damages, to be sued for and recovered in any Court in this State having competent jurisdiction thereof.

Owners of
telegraph line re-
sponsible for
violations of
this act.

SEC. 6. *Be it further enacted*, That all telegraph operators, when actually engaged by the month or otherwise for receiving and forwarding telegraphic dispatches, shall hereafter be exempt from performing road, militia or other public duty or duties.

Telegraph ope-
rators exempt
from road and
militia duty.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 8th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,127—[No. 34.]

AN ACT to establish the fees of Notaries Public in certain cases:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all Notaries Public shall be entitled to charge and receive

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Fees of Notaries Public.

the following fees: For noting protest of a Captain of a vessel, three dollars; for extending same, ten dollars; for administering each oath, twelve and a half cents; for each order of survey, one dollar; for each certificate, with seal thereto, fifty cents; comparing papers, twenty cents for the first hundred words, and for each additional one hundred words, fifteen cents; for drawing each bottomry bond, eight dollars; for protesting and noting bill of exchange or promissory note, fifty cents; for attending at a demand, tender or deposit and noting same, one dollar; and for each notice to drawer of any bill of exchange, or endorser of any bill of exchange or note, or for any other notice required to be given by a Notary Public, fifty cents; and, if the notice shall contain over one hundred words, fifteen cents for every additional one hundred words.

Notaries Public may solemnize rites of matrimony.

Relinquishm't of dower, &c.

SEC. 2. *Be it further enacted*, That Notaries Public be and they are hereby authorized to solemnize the rites of matrimony, and if there be any doubt as to their being authorized by the laws of this State to take the renunciation and relinquishment of dower and the acknowledgements of deeds and other instruments of writing for record, be and they are hereby fully authorized to do so as amply and as fully as Justices of the Peace and other officers of this State are; and for so doing they shall be allowed the same fees as is now allowed by law for other officers to do so.

Repeal.

SEC. 3. *Be it further enacted*, That all laws inconsistent with this act be and the same are hereby repealed.

Passed the Senate January 30th, 1861. Passed the House of Representatives February 1st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,128—[No. 35.]

AN ACT to provide a remedy to enforce the Lien of Ship-Wrights, Ship-Chandlers and others against ships, vessels, steamboats or other water craft.

Preamble.

WHEREAS, It has been doubted whether or not there be any remedy provided by statute to enforce the lien of Ship-Chandlers, Store-Keepers and others therein named of that part of the law of lien to be found in Thompson's Digest of the Laws of Florida, in chapter 12, under page 412, and at section 4, part 1, and for remedy whereof

Persons having liens upon ship.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever any person or persons shall have a lien upon any ship, vessel, steamboat or other water craft by virtue of that part

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of the law of lien designated in the preamble to this act and shall be unable to collect the said claim or debt upon demand when due, and shall wish to enforce the said lien, he, she or they may make oath (and which oath may be made by an agent or an attorney of the party) to said claim or debt before the Clerk of the Circuit Court of the county in which said ship, vessel, steamboat or other water craft may then lie or be, whereupon, and not before, the said Clerk shall issue a writ of attachment against said ship, vessel, steamboat or other water craft, returnable to the next ensuing term of the Circuit Court to be held in and for said county, directed to the Sheriff of said county, who shall execute the same by levy upon the ship, vessel, steamboat or other water craft, which he shall take into possession and custody: *Provided, however,* That the Sheriff may levy upon any property on board the ship, vessel, steamboat or other water craft belonging to the owner or owners thereof, in case he can find sufficient such property to satisfy said claim or debt and costs.

Oath.

Writ of attachment.

Priviso.

When claim under \$50.

SEC. 2. *Be it further enacted,* That when any such claim or debt shall be for fifty dollars or less, the oath aforesaid shall be made before a Justice of the Peace of the District in which the ship, vessel, steamboat or other water craft may lie or be, who shall issue a writ of attachment, directed to all and singular the Constables of said county, and any one of whom may execute the same by a levy upon the ship, vessel, steamboat or other water craft, subject, however, to the same provisions as in the preceding section of this act.

SEC. 3. *Be it further enacted,* That the ship, vessel, steamboat or other water craft, or other property so levied upon, may be replevied in the same manner as in other cases of attachment; and the notice by personal service upon the owner or owners, or by publication, and all the subsequent proceedings in any suit commenced as aforesaid, shall be the same as those in a suit under the general law of attachments of this State.

Replevin.

Notice, &c.

SEC. 4. *Be it further enacted,* That it shall not be held necessary in suing out any writ of attachment under this act to set forth the owners of said vessel, ship, steamboat, or other water craft, but suit may be commenced against the ship, vessel, steamboat or other water craft, and the master or mate of said ship, vessel, steamboat, or other water craft, and the notice served upon the master or mate shall be good and as valid as if the same had have been served upon the owner or owners, nor shall any suit abate for want of the name or names of any owner or owners of said ship, vessel, steamboat, or other water craft.

Owners of vessel not to be set forth.

Passed the Senate January 26, 1861. Passed the House of Representatives January 31, 1861. Approved by the Governor February 8, 1861.

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CHAPTER 1,129—[No. 36.]

AN ACT to prevent the collection of debts in certain cases from debtors in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act it shall not be lawful for a citizen of any non-slaveholding State, forming a portion of the Federal Union known as the United States of America, to institute or maintain suit in any of the Courts of this State, until the independence of Florida or of such Southern Confederacy as she may become a member, shall have been fully recognized by the Government of the said United States of America.

Citizens of
non-slavehold-
ing States.

Court shall dis-
miss suit.

SEC. 2. *Be it further enacted,* That whenever it shall be made to appear to any Court in this State, that the plaintiff in any suit now pending or at any time hereafter commenced therein, is a citizen of such non-slaveholding State, it shall be the duty of such Court at once to dismiss such suit at the cost of such plaintiff and his security for costs.

Execution may
be quashed.

SEC. 3. *Be it further enacted,* That in all cases in which any plaintiff in any execution now in the hands of any Sheriff or other officer is a citizen of such non-slaveholding State, it shall be lawful for any defendant therein to petition the Court from which such execution issued, or if the amount thereof exceeds the sum of fifty dollars, any Circuit Judge or the Probate Judge of the county in which such Sheriff or other officer resides, for a writ of supersedeas of such execution, and upon receiving such petition, duly verified by affidavit, it shall be the duty of such Justice of the Peace, Circuit Judge or Probate Judge to grant such supersedeas, and if, upon the hearing of such petition, the facts stated therein shall appear to be true, then such execution must be quashed at the cost of the plaintiff therein.

Repeal.

SEC. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Passed the Senate February 11, 1861. Passed the House of Representatives February 13, 1861. Approved by the Governor February 14, 1861.

LAWS OF FLORIDA.

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CHAPTER 1,130—[No. 37.]

AN ACT to facilitate the Express Business.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the provisions of the act approved January 8th, 1853, entitled "an act relative to incorporations for manufacturing purposes," be, and the same are hereby extended so as to include companies or associations formed for the purpose of carrying on a general Express business, or a general transportation business, or both, and for this purpose such companies or associations may hire or own vessels or steamers, and may buy or sell any other description of property, or transact such other business as is necessary or incident to a general Express or Transportation business.

Provisions of act of January, 8. 1853, extended to express business.

Powers.

Passed the Senate January 18th, 1861. Passed the House of Representatives January 25th, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,131—[No 38.]

AN ACT providing for a State Uniform and Flag.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor of this State, by and with the advice and assistance of his staff, be, and he is hereby empowered to adopt a State Uniform, which shall be distinctive in its character, with such variations for the different grades and arms of the service as may be appropriate.

Governor may adopt State uniform.

SEC. 2. *Be it further enacted,* That so soon as an appropriate device for a button is adopted, the Governor shall cause to be prepared a sufficient quantity of the different sized buttons, which shall be deposited with the Quartermaster General, and furnished by him to all persons requiring the same, at cost prices.

Buttons.

SEC. 3. *Be it further enacted,* That all volunteer companies hereafter to be organized shall wear the State uniform, and all militia officers who have not uniformed shall be required to procure and wear the State uniform, but no officer who has already procured his uniform shall be required to procure and wear the State uniform, until after the lapse of two years.

Volunteer Companies hereaft'r to be organiz'd.

Militia officers.

SEC. 4. *Be it further enacted,* That the Governor, by and with the advice and consent of his staff, shall adopt an appropri-

State flag.

1860.

Expenses.

ate device for a State flag, which shall be distinctive in its character.

SEC. 5. *Be it further enacted*, That the expenses of carrying this act into execution shall be audited by the Comptroller and paid by the Treasurer out of any monies in the Treasury not otherwise appropriated.

Passed the Senate December 1, 1861. Passed the House of Representatives February 1, 1861. Approved by the Governor February 8, 1861.

CHAPTER 1,132—[No. 39.]

AN ACT to provide for the payment of Contractors surveying Public Lands in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That, from and after the passage of this act, it shall be lawful for the Comptroller of this State to issue his warrant upon the Treasurer for any amount approved of by the Register of State Lands to any and all contractors who may have entered into contracts with the Surveyor General of the late United States to survey any of the public lands in this State: *Provided*, Said contracts were entered into previous to the passage of the ordinance of secession, and the surveys so performed by said contractors are duly made and approved by the said Surveyor General or proper officer having charge of said office.

Passed the House of Representatives February 8th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,133—[No. 40.]

AN ACT to repeal in part the laws prohibiting intercourse with the Indians.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all laws now in force in this State prohibiting intercourse with the Indians be and the same are hereby repealed, except so far as relates to the sale of ammunition and ardent spirits.

Passed the House of Representatives January 29th, 1861. Passed the Senate February 8th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,134—[No. 41.]

AN ACT providing for the representation of this State in the Southern Confederacy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That so soon as the Governor of this State shall be officially notified that the Convention of Delegates from Southern States, formerly members of the late American Union, which is appointed to assemble at Montgomery in the month of February, has adopted a basis for a temporary Confederation, to be put into operation without waiting for a ratification on the part of the several State Conventions, said Governor is hereby authorized to take such steps as may be necessary to secure the proper participation of the State of Florida in the said temporary government, and to that end may order elections to be held for all Federal officers, which are elective by the people, rendered necessary by the action of said Convention, at such time and subject to such rules for conducting the same, as well as to the mode and manner of holding the election, canvassing the votes and making the returns as to all other particulars: *Provided, however,* The said Governor shall conform, as near as the time allowed him will permit, to the existing State laws governing elections of a similar character.

Governor may
order an elect'n.

Proviso.

Passed the Senate February 6th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,135—[No. 42.]

AN ACT to amend an act entitled an act to amend an act to authorize the appointment of Measurers and Inspectors of Lumber and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the act approved January 13th, 1849, regulating the fees of measurers and inspectors of lumber, be extended and applied to all the counties lying upon the St. Johns river and its tributaries.

Act of January
13th, 1849, ex-
tended to cer-
tain counties.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

1860.

CHAPTER 1,136—[No. 43.]

AN ACT providing for a Stay of Executions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That there shall be no sales under execution and judgments at common law or decrees in Chancery in this State, until the first Monday in January, A. D. eighteen hundred and sixty-two, except by the consent of the defendant in execution: *Provided,* That in case of any levy the defendant in execution, his agent or attorney, shall give bond and security, to be approved by the officer making the levy, conditioned that the property, whether real or personal, shall be forthcoming and undiminished in intrinsic value on the first Monday in January, A. D. eighteen hundred and sixty-two, and that if the property levied upon is insufficient to pay the execution and costs, the defendant will pay for the use of the same, from the date when said sale would have taken place but for this act to the day of sale, such sum as may be lawfully adjudged to be reasonable and proper, to go on satisfaction of the said execution and costs, and the balance, if any, refunded to the defendant in execution: *Provided, however,* That the provisions of this act shall not have any force or effect in the counties of Monroe and Dade.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,137—[No. 44.]

AN ACT concerning the office of the Clerk of the Supreme Court of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Clerk of the Supreme Court shall keep his office in the Capitol of the State, in a room assigned him for that purpose, contiguous to the Supreme Court room, where all books, papers, records, files and the seal of said Court shall remain, and it shall be his duty, in person or by deputy, to attend the sessions of said Court wherever the same may be holden, and shall keep, in substantial bound books, fair and regular minutes of the proceedings of said Court, a record of all its judicial acts, a docket of its causes and such other books as said Court may from time to time order and direct, and shall do and perform all other things

Sales under execution stayed.

Proviso as to bond. &c.

Proviso as to the counties of Monroe & Dade

Clerk shall keep his office in the Capitol.

Shall attend the sessions of the Supreme Court.

Records.

Duties.

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which by law or the rules of said Court shall appertain to his office, and shall certify when required (upon the payment of his fees) all proceedings of said Court.

SEC. 2. *Be it further enacted*, That said Clerk may appoint a deputy at any place where said Court may be holden, who being sworn may discharge all the duties of the office of the Clerk during his absence, and said Clerk shall in all cases be responsible for the acts of such deputy and provide for his compensation.

SEC. 3. *Be it further enacted*, That all decisions and opinions delivered by said Court or by any Justice thereof in relation to any action or proceeding pending in said Court, shall be filed and remain in the office of said Clerk in the Capitol, and shall not be taken out except by order of the Court; but said Clerk shall at all times be required to furnish to any person who may desire the same certified copies of such opinions and decisions, upon receiving his fees therefor.

SEC. 4. *Be it further enacted*, That it shall be the duty of said Clerk to furnish the Attorney General of the State certified copies of all records, papers, opinions and decisions of said Court, in each and every year, within a reasonable time after its final adjournment.

SEC. 5. *Be it further enacted*, That no copies of the record or of any other paper on file in the Court shall be taxed as costs against the losing party, except such as may have been ordered by the said party or his attorney.

SEC. 6. *Be it further enacted*, That on the rendition of any judgment or decree in said Court for costs, said Clerk, as soon as may be by the rules of said Court, shall issue execution in accordance with the terms of said judgment or decree, directed to all and singular the Sheriffs of the State of Florida, and returnable in ninety days from the date of the issue thereof; and it shall be the duty of any Sheriff receiving such execution to proceed forthwith to collect the same, as is now directed by law.

SEC. 7. *Be it further enacted*, That said Clerk shall be entitled to such stationary and fixtures as may be necessary for the use of his office, to be purchased and paid for in like manner as for other State officers in the Capitol; and said Clerk shall receive, for copies of records, opinions, &c., furnished the Attorney General, the same sum as allowed by law for copies in other cases, which accounts, after being approved by one of the Justices of said Court, shall be audited and allowed by the Comptroller and paid by the Treasurer.

SEC. 8. *Be it further enacted*, That whenever by the death or resignation of any of the deputies appointed by said Clerk, under the provisions of this act, or from other cause it may be necessary for said Clerk to attend the sittings of said Court at any place other than at Tallahassee, he shall be allowed ten cents per mile

Proceedings of Supreme Court.

Deputy.

Decisions of Supreme Court.

Copies of opinions.

Att'y Gen'l. be furnished copies of opinions

Costs.

Execution.

Stationary.

Tax for copies.

Clerk allowed mileage.

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for his travel to and from Tallahassee to any place where he may attend said Court, his account therefor to be approved and paid in like manner as provided for records furnished the Attorney General in section 7th of this act.

SEC. 9. *Be it further enacted*, That all laws and parts of laws conflicting with this act, be and the same are hereby repealed.

Passed the House of Representatives February 1st, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,138—[No. 45.]

AN ACT still further defining the duties of the Trustees of the Internal Improvement Fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever it shall be brought to the knowledge of the Trustees of the Internal Improvement Fund that any of the Railroad Companies in this State, which have availed themselves of the provisions of the act entitled "an act to provide for and encourage a liberal system of Internal Improvements in this State," have violated or are violating any of the provisions of that act, and in particular of so much of the sixth clause of the sixth section of said act as provides that "the guage of the different railroads shall be uniformly five feet, and connected continuously, so that cars, or trains of cars, can pass on all the routes indicated without changing freight; and it shall be the duty of the different Railroad Companies to adopt a uniform tariff for the transportation of passengers and for hauling the freight in the cars of another company upon usual and equitable terms, and no discrimination shall be made by one company against the freight or passengers of another company," it shall be the duty of the said Trustees to take all necessary and proper steps to compel the due observance by said company of the provisions of that act.

In cases of violation of the provisions of the In. Im. act.

Guage of different roads, &c.

Trustees shall compel observance of the law.

Public mails, regulations, &c.

SEC. 2. *Be it further enacted*, That it shall also be the duty of the said Trustees to compel every such Railroad Company to transport the public mails in such mode and manner, and upon such schedule, both as to speed and to the hours of arrival and departure, and for such prices, as may be established from time to time by law or by the proper head of the Post Office Department in and for the State of Florida, or of any Confederation which now is, or hereafter may be entrusted with the transportation of the mails in the State of Florida, according to the true

1860.

intent and meaning of the 5th section of the Act of Congress, approved May 17th, 1856, granting lands to aid in the construction of said railroads, and of the 23d section of the Act of the General Assembly of the State of Florida, approved January 6th, 1855, entitled "an act to provide for and encourage a liberal system of Internal Improvements in this State:" *Provided*, No such Railroad Company shall, without its own consent, be compelled to carry more than one mail each way in each twenty-four hours, nor to transport any mail at a greater speed than twenty miles per hour, exclusive of stoppages, or fifteen miles per hour, inclusive of stoppages, nor to carry any mail between the hours of nine in the morning and five in the evening on the day of the week called Sunday.

SEC. 3. *Be it further enacted*, That whenever the concurrence of two or more of the said Railroad Companies is necessary to the performance of any act, and the said Companies have been unable to agree in reference thereto, it shall be the duty of the said Trustees to decide between the said Companies and prescribe the mode and manner in which the said act shall be performed, which decision shall be binding upon all the Companies concerned, until they shall among themselves agree upon a different mode and manner of procedure.

Trustees shall
decide between
R. R. Co's dif-
fering.

SEC. 4. *Be it further enacted*, That the said Trustees shall have power, by motion in open Court, or by petition addressed to the Court, in any county in any circuit in which any railroad, or a part thereof, may be, to apply for any writ of prohibition, mandamus or other mandatory writ, to be addressed to the President and Directors, or either of them, of any such Railroad Company, requiring them to do and perform or to refrain from doing and performing, as the case may be, any act which is either commanded or prohibited by the act the title of which is hereinbefore quoted, or to transport the public mails according to any established schedule, or to carry out any decision of the said Trustees, made in pursuance of the third section of this act: *Provided always*, At least ten days notice of such intended motion shall be given, or a copy of such petition shall be served at least ten days before said Court on the President or one of the Directors of said Railroad Company.

Trustees may
proceed against
R. R. Co.

Proviso.

SEC. 5. *Be it further enacted*, That any Circuit Court in this State, before which any such motion shall be made, or in which any such petition shall be filed, shall have power to issue any mandatory or prohibitory writ which may be necessary and proper to compel any Railroad Company to the due performance or refusing to perform any act which may be enjoined or prohibited by said Court: and any person who shall fail or refuse to obey such mandatory or prohibitory writ, may be punished as for contempt of Court by fine and imprisonment, until obedience

Powers of Cir-
cuit Court.

1860.

Right of appeal.

is rendered: *Provided, however,* That any Railroad Company shall have the right of appeal to the Supreme Court of this State from any decision of the Circuit Court, and such appeal shall in all cases operate as a supersedeas, and be governed by the same rules as govern appeals in other cases.

How proceedings conducted.

SEC. 6. *Be it further enacted,* That the said proceedings shall be conducted in the name of the "Trustees of the Internal Improvement Fund of the State of Florida;" and the said Trustees are hereby authorized to command the services of the several Solicitors of this State to conduct any proceedings in the Circuit Courts, and of the Attorney General to conduct any proceedings in the Supreme Court, and in each case where the final judgment is against said Railroad Company, said Solicitors shall receive a fee of fifty dollars, and said Attorney General a fee of one hundred dollars, to be taxed against said Railroad Company.

Duties of Att'y Gen'l and solicitors.

Lands forfeited.

SEC. 7. *Be it further enacted,* That nothing herein contained shall prevent the said Trustees from taking proper legal steps to recover from any Railroad Company any of the lands heretofore granted, which may have been forfeited by a breach of the terms and conditions on which said lands were granted, nor to prevent the Postmaster General, or the legitimate successor to the duties of that office, from proceeding by action of debt to recover the fine of one hundred dollars per day from any Company refusing or neglecting to transport the public mails, as is provided by the 23d section of the act hereinbefore named.

Fine.

Transportation of troops.

SEC. 8. *Be it further enacted,* That the said Railroads shall be and remain free from toll or other charge upon the transportation of any property, or troops of the State of Florida, or of any other Government legitimately succeeding to the powers, rights and privileges of the late United States.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,139—[No. 46.]

AN ACT to Quiet Titles and to prevent Unjust and Vexatious Litigation in the county of Escambia.

WHEREAS, The titles to land of many of the citizens of Escambia county, obtained under the judgments of the Courts and sales made by the Marshals and Sheriffs of the Territory and State of Florida, are placed in jeopardy and rendered liable to unjust and vexatious litigation, and for the purpose of remedying the same, therefore,

Preamble.

1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the titles of all *bona fide* purchasers of lands, tenements and hereditaments, made prior to the eighth day of January, A. D. 1848, under any judgment or decree of any Court of the Province of Florida while under the dominion of Spain, or of Territorial or State Courts of Florida, or from any *bona fide* vendor or grantor, the judgment, decree or deed for which may have been entered of record or recorded in any office of record in the county of Escambia prior to the time aforesaid, shall be good and effectual to perfect the title to the said lands, tenements and hereditaments in the purchaser or grantee thereof, indefeasibly in fee simple, notwithstanding any technicality, legal informality, irregularity or error in the rendition of such judgment or decree, or in the proceedings prior or subsequent thereto, or any informality or omission in the execution or probate of such deed prior to the recording of the same, and notwithstanding such deed may not have been accompanied with actual possession of the land by the purchaser or grantee: *Provided,* That this act shall in no wise be considered or construed to extend to mortgage conveyances or deeds in trust.

Bona fide purchasers of lands under decree of Court prior to 1845.

Record of deed.

Informality in decree, &c., obviated.

Possession.

Proviso.

Limitation.

Repeal.

SEC. 2. *Be it further enacted,* That the provisions of this act shall extend to and be in force only in the county of Escambia.

SEC. 3. *Be it further enacted,* That all laws inconsistent with the true intent and meaning of this act be and the same are hereby repealed.

Passed the Senate November 20th, 1860. Passed the House of Representatives November 30th, 1860. Approved by the Governor December 1st, 1860.

CHAPTER 1,140—[No. 47.]

AN ACT to amend an act to require licenses to be taken out by persons and subjects not hitherto taxed, approved January 12th, 1849.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an act to require licenses to be taken out by persons and subjects not hitherto taxed, approved January 12th, 1849, be so amended that the same in all of its provisions shall be as applicable to, binding upon, and fully in force against all persons engaged in taking Daguerreotypes, Ambrotypes, Photographs, Typhographs, and all other portrait and picture artists.

Persons taking daguerreotypes, &c.

SEC. 2. *Be it further enacted,* That no specific or license tax shall be imposed upon Ambrotypists and other artists of a like or

Citizens of the State.

1860.

similar character, whose art produces a similar result, who shall be citizens of this State and otherwise pay taxes therein, hereby putting such upon equal rights, liabilities, and duties as is now required by law of Daguerrian artists.

Passed the Senate February 1st, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,141—[No. 48.]

AN ACT to authorize the issue of Bonds to the extent of Five Hundred Thousand Dollars by the Commonwealth of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor of this State be and he is hereby authorized to accept loans in sums of not less than one hundred dollars from all persons desirous of making the same, for which he shall issue the bonds of the Commonwealth of Florida in such form as he may prescribe, to be under the seal of the Treasurer and countersigned by him, and having not more than twenty years to run, and bearing an interest of not more than eight per cent., payable semi-annually in the city of Tallahassee: *Provided*, That no bond shall be issued for a greater amount than loaned, dollar for dollar.

Passed the Senate January 28th, 1861. Passed the House of Representatives February 9th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,142—[No. 49.]

AN ACT to establish the Planters' and Merchants' Bank of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That a Bank shall be established in the city of Pensacola, the capital stock of which shall not exceed one million of dollars nor less than one hundred thousand dollars, divided into shares of one hundred dollars each; and that there shall be not less than twenty Stockholders, a majority of whom at least shall be residents of the State of Florida; and that for the purpose of receiving subscriptions for said stock, books shall be opened on the 1st

Governor may
accept loans.

Bonds.

Interest.
Proviso.

Bank establis'd.

Books of sub-
scription.

1860.

Commissioner's.

Monday in February, in the year of our Lord one thousand eight hundred and sixty-one, and remain open for the space of sixty days, at the following places and under the superintendence of the following persons, or a majority of them, viz: at Pensacola, under the superintendence of William H. Judah, Chester P. Knapp, L. M. Merritt, William H. Baker and Henry Hyer; at Milton, in the county of Santa Rosa, under the superintendence of Ezekiel E. Simpson, Alexander McVoy, William J. Keyser, Jackson Morton and E. A. Pearce.

SEC. 2. *Be it further enacted*, That one-fourth of each share shall be paid in gold or silver, or their equivalent, to the Commissioners; that another fourth shall be paid in gold or silver, or their equivalent, to the Directors, chosen in the manner herein-after described, within sixty days after the Bank shall have commenced business; and said Bank shall not go into operation until one hundred thousand dollars in specie shall have been actually paid in, and the remainder shall be paid as aforesaid within nine months after the commencement of its operations; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of eight per cent. per annum, and his stock shall be forfeited and may be sold by the Bank and the proceeds applied to the payment of the said deficient instalment, with interest thereon, and the balance, if any, paid over to the said subscriber: *Provided*, That no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver, or their equivalent.

Shares, how paid.

When Bank shall go into operation.

Instalments.

Proviso as to dividend.

Corporation created.

SEC. 3. *Be it further enacted*, That when four thousand shares are subscribed and the sum of one hundred thousand dollars is actually paid to the Commissioners in specie, the subscribers to said Bank, their successors and assigns, shall be and are hereby created and made a corporation and body politic, in law and in fact, by the name and style of the "President and Directors of the Planters' and Merchants' Bank of Pensacola," and shall so continue until the first day of January, one thousand eight hundred and eighty-one, and by the name and style aforesaid they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves and their successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, demise, alien and dispose of, to sue and be sued, to implead and be impleaded, answer and be answered, defend and be defended, in Courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for the making whereof general meetings of the Stockholders may

Name and style of Bank.

Limitation. Corporate powers.

By-laws.

1860.

Meeting of subscribers.

be called in the manner hereafter specified, and generally to do and execute all acts, matters and things which a corporation and body politic in law may or can lawfully execute or do, subject to the rules, regulations, restrictions and provisions hereafter prescribed and declared.

Election of Directors.

SEC. 4. *Be it further enacted*, That as soon as four thousand shares shall be taken in the stock of said Bank and the required instalment paid to the Commissioners who keep the books, notice thereof shall be given in the gazettes published at Pensacola, and a meeting of the subscribers, to be held ten days at least after the date of the notice, shall be called. If at this meeting those or their agents who have a majority of the votes, according to the rules hereafter described, be present, (if not, another meeting shall be called,) they shall proceed to the election of seven Directors, who shall take charge of the books and money in the hands of the Commissioners and immediately pursue the usual means to put the Bank in operation. The said Directors shall remain in office until the first Monday in January, one thousand eight hundred and sixty-two, or until their successors shall be appointed; and on the first Monday of January of each year, or at any time thereafter, meetings of the Stockholders shall be held, in the city of Pensacola, for the purpose of electing Directors, enquiring into the affairs of the institution and making such regulations as shall be deemed fit and necessary.

Meetg of Stockholders.

Capital stock.

SEC. 5. *Be it further enacted*, That the Bank may go into operation when one hundred thousand dollars shall have been actually paid in specie, and that no dividends on the profits of the Bank shall be declared by the President and Directors until the whole amount of the capital stock subscribed shall be realized to the Bank in gold or silver, or their equivalent.

Rules and regulations.

Votes.

SEC. 6. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the Constitution of the corporation: A meeting of the Stockholders cannot be held unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of a majority of the votes which may be present; every Stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote; for every four shares above one hundred, one vote. After the first meeting no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of voting. Stockholders may vote at elections and general meetings by proxy, the proxy himself being a Stockholder, and the Directors when appointed shall choose one of their number (which shall

1860.

President.

Stockholders
may call meet-
ing.

Cashier.

Duties of Cash-
ier.Money borrow-
ed by Directors.Business of B^k
restricted.

Interest.

always be seven) to be President of said bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the Stockholders, but compensation to the President or Directors shall be granted at the pleasure of the Stockholders. Not less than five Directors, of whom the President shall be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the President, when he may by writing nominate any other Director to supply his place; a number of Stockholders, not less than ten, who together shall be the owners of two hundred shares or upwards, shall have power at any time to call a general meeting of the Stockholders for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting. The Directors shall annually elect a Cashier and such other officers as may be necessary to perform the business of the Bank; those officers shall be required to give bond with two or more securities, in sums not less than twenty thousand dollars, with a condition for good behavior and faithful discharge of duty. The Cashier shall keep a book to contain the proceedings of the Board of Directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays on any question when asked for by a Director. This book shall be evidence in Courts of justice against said Bank, and in entering on the discharge of his duties, the Cashier shall take the following oath or affirmation before some Justice of the Peace, by whom it shall be deposited in the office of the Clerk of the Circuit Court of Escambia county, viz: "I, A B, do solemnly swear to keep a just and true record, without alterations in or erasures of the transactions of the Board of Directors of the Planters' and Merchants' Bank of Pensacola, in a book to be kept by me for that purpose." In all cases, in addition to the usual personal security, the stock of Directors shall be considered as a pledge for the re-payment of the money which they may borrow, whether as principal or security; that the said Bank shall be restricted to the business of exchange, discount and deposit, and shall not speculate or deal in real estate or stock of other corporations, or associations, or in merchandize, or chattels, or be concerned in insurance, manufacturing, exportation or importation, except of bullion or specie, shall not act as trustee in anywise, nor shall the Bank own real estate or chattels, except such as shall be necessary for its actual use in the transaction of business, or which may be pledged as further security or received towards, or in satisfaction of previously contracted debts, or purchased at legal rates to satisfy such debts, of which it shall be required to make sale within two years after acquisition thereof; neither shall the said corporation take more than at the rate of eight per centum per annum for or upon its loans and discounts, which

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Vacancy in Di-
rectory.
Stock.

Statement to
Treasurer.

Bills assignable

Bills payable to
bearer.

Denomination
of notes.

interest shall be taken in advance at the time of discount. The total amounts of the debts which the said corporation shall owe at any time, shall not exceed twice the amount of the stock actually paid in over and above the sum then actually deposited in the Bank for safe keeping. If this or any other enactment herein contained be violated, the Directors knowingly and willingly assenting to such violation, shall be deemed to have committed a misdemeanor, and upon conviction in the Circuit Court, shall be fined or imprisoned or both, at the discretion of the Court. If a vacancy shall occur in the Directory, by death, resignation or otherwise, the remaining Directors shall fill such vacancy, until the succeeding meeting of the Stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the laws and ordinances of the same. The officer at the head of the Treasury Department of the State, shall be furnished once in six months with a statement of the amount of capital stock of said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of cash in hand; and shall have a right to inspect such general accounts in the books of the Bank as shall relate to the said statement: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the Bank, except of the Directors. The bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property therein in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes, which may be issued by order of said corporation, signed by the President, and countersigned by the Cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in the like manner and with the like force and effect as upon every private person or persons, that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable and assignable by delivery only.

SEC. 7. *Be it further enacted*, That no note shall be issued by the said Bank under the denomination of five dollars, and if any person or persons holding any note or notes of said Bank, shall present the same for payment and the payment shall be refused, the said note or notes shall draw interest at the rate of twelve

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per cent. per annum, from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of the said Bank, if not paid on demand, may bring an action of assumpsit against one or all of the Directors, who may have consented to issue more than twice the capital stock paid in: *Provided*, That the Bank be not able to pay the amount.

Refusal of payment.

Directors responsible.

SEC. 8. *Be it further enacted*, That in case of an insolvency of the Bank hereby created, or ultimate inability on the part of this corporation to pay, the individual Stockholders shall be liable to creditors in sums double the amounts of stock by them respectively held in said corporation.

Stockholders liable to creditors.

SEC. 9. *Be it further enacted*, That the directors shall be allowed to keep open the subscription books until the whole stock shall be taken.

Subscription books may be kept open.

SEC. 10. *Be it further enacted*, That if a director, or any other officer, agent or servant of said Corporation, shall embezzle any of the funds belonging to the said bank, with intent to defraud said Corporation, or make false entries upon the books of said Bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant, shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine, at the discretion of the Court, and imprisonment not exceeding five years.

Embezzlement of funds.

SEC. 11. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting, any bill or note in imitation of, or purporting to be a bill or note issued by order of the President and Directors of the Planters' and Merchants' Bank of Pensacola, or any order or check upon said Bank or corporation or any Cashier thereof shall falsely alter, or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of said corporation, or any order or check on said Bank or any Cashier thereof, or shall pass or receive with intent to pass, utter or publish as true, any false, forged or counterfeited bill or note purporting to be a bill or note issued by order of said corporation, or any false, forged or counterfeited order or check upon the said Bank or any Cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass or receive with intent to pass or attempt to pass, utter, or publish as true any falsely append bill or note issued by order of the said bank, or any falsely altered order or check on said bank, or any Cashier thereof, knowing the same to be falsely altered with intention to defraud the said corporation or any other body politic or person or persons; every such person shall be deemed guilty of felony, and being thereof convicted by due course of

Counterfeiting or forgery.

Penalty..

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law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars.

Tax.

SEC. 12. *Be it further enacted*, That the President or Cashier of the said Bank shall annually pay into the Treasury of the State twenty-five cents on each share of said capital stock which may have been subscribed for and paid in, and the first payment of said tax shall be made twelve months after said bank shall have commenced operations.

Dividends.

SEC. 13. *Be it further enacted*, That the Directors of said Bank may declare, semi-annually, dividends of the profits thereof, and if at any time more than the real profits be divided, the Directors assenting thereto shall be responsible in their private capacities to creditors who have claims against the said institution.

President to
make statement
to General As-
sembly.

SEC. 14. *Be it further enacted*, That the President of this Bank shall, in the first week in October in each and every year, transmit to the General Assembly a full statement of the condition of the Bank, exhibiting the amount of capital, notes in circulation, debts due other banks, and to what banks, deposits, and all other particulars necessary to explain the debit side of the account, also specie on hand, notes of other banks, other funds specially enumerated, debts due from other banks and what banks, bills of exchange, debts in bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from Directors—not, however, using any person's name in either case—and amount of real estate.

Punishment for
false returns.

SEC. 15. *Be it further enacted*, That if any President, Director, Cashier, Clerk, or other officer of the aforesaid Bank, shall knowingly, willingly, and with intent to deceive, make or cause to be made, or connive at making, any false return, statement or exhibit of the condition of the Bank, either to the Treasury of the State, to the Legislature, to the Board of Directors or to the Stockholders, or to any other person or persons that may be authorized by the Legislature or by the Stockholders to receive the same, such President, Director, Cashier, Clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted as for a misdemeanor in the Circuit Courts, and, upon conviction, shall be fined at the discretion of the Court, and imprisoned not exceeding one year.

Subscriptions
may be reduced

SEC. 16. *Be it further enacted*, That if it shall happen when the books shall be opened as aforesaid that a greater sum than one million of dollars shall be subscribed by individuals or bodies corporate, it shall be lawful for the Commissioners to reduce such subscriptions, according to a scale by them to be established for that purpose, to the aforesaid sum of one million of dollars: *Provided*, That no subscription of two shares or under

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shall be sealed until all larger subscriptions shall first be reduced to an equality with them.

Passed the Senate November 30th, 1860. Passed the House of Representatives December 1st, 1860. Approved by the Governor December 1st, 1860.

CHAPTER 1,143—[No. 50.]

AN ACT supplemental to an act to establish the Planters' and Merchants' Bank of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That so much and such parts of an act entitled an act to establish the Planters' and Merchants' Bank of Pensacola as restricts the keeping open of the books of said Bank for the subscription to the stock thereof to sixty days from the first Monday in February, A. D. 1861, be and the same are hereby repealed, and the said Commissioners appointed for that purpose may open said books from time to time until the said sum of one hundred thousand dollars therein mentioned is subscribed and paid in.

Commissioners may open books from time to time, until capital stock is subscribed.

SEC. 2. *Be it further enacted,* That all laws contravening this act be and the same are hereby repealed.

Passed the Senate February 6th, 1861. Passed the House of Representatives February 8th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,144—[No. 51.]

AN ACT to establish a Bank in the city of Apalachicola, to be called the Western Bank of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That a Bank may be established in the city of Apalachicola in the name and on the conditions, limitations and restrictions which are hereinafter provided, viz: 1st. Said Bank shall be a corporation and body politic, by the name and style of the Western Bank of Florida, and by that name all who shall become subscribers to the said Bank, their successors and assigns, shall be capable in law to have, purchase, enjoy and retain to themselves and their successors such personal and real estate as is

Bank establis'd.

Body corporate.

Name.

Corporate powers.

1860.

By-laws.	hereafter named, to sue and be sued, plead and be impleaded, answer and be answered, in the Courts of record, or any other place whatever, and also to make and have a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall be deemed necessary and expedient for the government of said corporation, not being contrary to the Constitution and laws of this State, and generally to do and perform all such acts and things as other banking corporations can or may do, subject to the restrictions herein contained.
Corporate st'k.	SEC. 2. <i>Be it further enacted</i> , That the corporate stock of said Bank shall be not more than three hundred thousand nor less than one hundred thousand dollars, to be divided into shares of one hundred dollars each. 3d. Said banking corporation shall consist of not less than twenty individuals, of whom a majority shall be residents of this State. 4th. Said banking corporation shall cease to exist on the first day of January, 1880, and its affairs shall be wound up as soon thereafter as practicable. 5th. Said Bank shall restrict its business to the buying and selling of exchange, discounting promissory notes or other negotiable paper and receiving money on deposit. It shall not speculate or deal in real estate or the stocks of other corporations or associations, or in merchandize or chattels; nor shall it be concerned in insurance, manufacturing, exportation or corporations, except it be the import or export of bullion or specie, or coin. It shall not act as trustee in any wise, nor shall it own real estate or chattels, except such as shall be necessary for its actual use in the transaction of business, or which may be pledged as further security or received towards or in satisfaction of debts previously contracted or purchased at legal sales to satisfy said debts, which said real and personal estate so pledged, received in satisfaction of debts or purchased at legal sales shall in all cases be re-sold within two years from date of its acquisition by the said Bank. 6th. The capital stock of said Bank shall only be created by the actual payment of one hundred thousand dollars in specie therein. Said Bank shall not borrow money to create or add to its capital or to conduct its business, nor shall it make any loans on stock. 7th. All liabilities of said Bank shall be payable in specie, and the aggregate of its liabilities and issues shall at no time exceed double the amount of its capital stock actually paid in. 8th. Said Bank shall make no note or security of any kind for a smaller sum than five dollars, and should the General Assembly of this State at any time pass a general law restricting the Banks of this State to issues of twenty dollars and over, said restrictions shall be binding on said Bank. 9th. No dividend exceeding ten per cent. per annum on the capital stock paid in shall be made, but all profits over ten per cent. per annum shall
Shares.	
No. of shareholders.	
Limitation.	
Restriction of business.	
Capital stock.	
Liabilities.	
Notes.	
Dividends.	

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be set apart and retained as a safety fund. 10th. The Stockholders of said Bank, who are such at the time and who may have been Stockholders within twelve months next preceding the time when an act of forfeiture of its charter is committed, or when said Bank dissolves or fails, or suspends, or its charter expires, shall be individually and severally liable for the payment of all the debts of said Bank. 11th. It shall be the duty of the officers of said Bank to submit the books of the same to inspection from time to time by such persons as may be appointed by the Governor of this State to inspect the same; and, further, upon the first days of January, April, July and October in each and every year to make returns to the Governor of the state and condition of the Bank, the names of the Stockholders and the shares held by each.

Stockholders
liable.

Inspection of
Banks.

Returns.

SEC. 3. *Be it further enacted*, That A. W. Stone, Ossian Gregory, Bolling Baker, Thomas Orman, David G. Raney, Sr., and Eugene Rogers, or any three of them, are hereby constituted a Board of Commissioners, whose duty it shall be to open books of subscription for shares in said Bank at Apalachicola, on the first day of May, 1861, which books shall continue open for sixty days consecutively, and if more than three hundred thousand dollars of stock are subscribed for and paid in specie, then and in that event it shall be the duty of the said Commissioners to scale the same *pro rata*: *Provided*, That no subscription shall be reduced below two shares.

Commissioners

Books of sub-
scription.

Stock may be
scaled.

SEC. 4. *Be it further enacted*, That the said Bank shall have power to receive deposits on interest as saving institutions now have, under rules and regulations to be established by said Bank: *Provided*, That said rules and regulations are not contrary to the Laws and Constitution of the State, and that the stock of said Bank be always liable until all the savings fund be paid.

Deposits.

SEC. 5. *Be it further enacted*, That any Bank or branches thereof, who may make a demand of specie from said Bank, shall be compelled to receive the bills of said demanded Bank or any of its branches in payment.

Bank making
demand of spe-
cie.

SEC. 6. *Be it further enacted*, That the said Bank shall be permitted, and is hereby authorized to issue bills or notes of credit, (commonly called Bank bills) payable to bearer on demand, signed by the President, and countersigned by the Cashier, provided said notes are of a denomination not less than five dollars, nor exceed at any time more than double the amount of capital stock actually paid in.

May issue bills.

Denomination
and amount.

SEC. 7. *Be it further enacted*, That if said Bank shall at any time refuse or fail to redeem any of its notes on demand, or pay any other of its debts when due and payment demanded, it shall be lawful for the holder of such bills or creditors of said Bank as aforesaid, to cause the same to be protested, and upon the pro-

Failure to re-
deem notes.

1860.

Suit.

Judgment.

Execution.

Stockholders
liable.Liabilities as
between stock-
holders.

Statement.

List of stock-
holders.List to be pub-
lished.

test thereof, the said notes or bills shall bear an interest of twelve per cent. per annum, till paid, and the said creditor or holder may immediately bring suit against said Bank for the recovery of the same; and there shall be judgment against said Bank at the first term of the Court to which said suits are returnable, unless the President or Cashier of said Bank will swear that the Bank has a substantial defence to said suits, and that said Bank is less prepared for trial than it will be at the next term of said Court; and when judgment shall be rendered against said Bank, (which) execution shall be first levied on the property of the Bank, but if no property of the Bank can be found, the Sheriff shall make an entry on the execution to that effect, and it shall be his duty forthwith to levy said execution upon the individual property of any of the Stockholders, and so proceed until said execution is satisfied. As between the Stockholders themselves, they shall be liable for the payment of the debts of the corporation in proportion to the amount of stock held by each, and if any Stockholder shall be compelled to pay, or shall pay more than his proportionate part of any debt or debts, he shall have the right to compel his co-Stockholders to contribute to his reimbursement in proportion to the amount of stock held by each. Any Stockholder paying as aforesaid more than his proportionate part of any debt or debts shall have an immediate right of action against any one or more of all said Stockholders, to recover the proportion which he is entitled to recover as aforesaid; and said actions may be prosecuted in a court of law for so much money paid for the use of such Stockholder or Stockholders against whom the suit was brought, and the stockholders so suing shall have judgment at the first term of said Court, unless the defendant or defendants will swear that they have a substantial defence to said action, and are less prepared for trial than such defendant or defendants will be at the next term of said Court. It shall be the duty of the President and Cashier, within six months after said Bank goes into operation, to make out a statement of the condition of said Bank, and a list of its Stockholders, and the amount of stock owned by each, which statement shall show accurately the amount of the assets of said Bank and the kind and character of the funds of which it is composed, and also the amount of indebtedness of said Bank, and the character of said indebtedness, which shall be verified by the oath of the President and Cashier, and shall be published in a newspaper printed in the city of Apalachicola for two successive weeks, and such list and statement as aforesaid shall be published every six months thereafter, verified as aforesaid, and any neglect to publish the same for twenty days shall cause a forfeiture of all the rights and privileges granted by this act. Those who were stockholders of said Bank at the time a list of the Stockholders was advertised next before the failure of said

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Who held as stockholders.

Paper of stockholder discounted.

Powers not expressly grant'd.

Agencies.

Commissioners to convene stockholders.

Directors.

Certificates of stock.

Transfer of stock.

Right of suffrage in meet'g of stockholders.

Bank to redeem its notes on demand, or pay any other debts on demand, shall be held, considered and taken as Stockholders at the time of such failure, and shall be liable as Stockholders according to the provisions of this act, and shall be liable to execution according to the provisions of this act. No note, bill of exchange, or other paper of any Stockholder shall be discounted upon any pledge of stock, or upon any less or weaker security than is required of other customers of the Bank; and if any such discount shall be made, the Directors authorizing and allowing the same to be done, shall be held liable as securities for the payment of the same in the manner provided in the previous section of this act. Nothing in this act contained shall be so construed as to authorize said corporation to exercise any powers not expressly granted, and such as are necessary to carry into execution the powers expressly granted. The said Bank shall have the power to establish Agencies in any part of the State of Florida or elsewhere: *Provided*, That the said Agencies in the State of Florida shall in all cases pay specie on demand at the place of business in which the principal Bank would be required so to do. Upon the expiration of the time hereinbefore allowed for subscribing to stock of said Bank, it shall be the duty of said Commissioners to convene the Stockholders or subscribers by giving ten days notice in one or more public newspapers of the city of Apalachicola, of the time and place of meeting, who may then or any time thereafter, proceed to the election of a board of five Directors, under such rules and regulations as they may adopt for that purpose. Certificates of stock shall be issued to the subscribers for the number of shares held by each respectively, in such form and manner as may be prescribed by the Directors, and no transfer of stock shall be considered as binding upon the Company unless entered in a book or books kept for that purpose by the Company, by personal entry of the Stockholder, his legal representative or attorney, duly authorized by special power for that purpose: *Provided*, That no Stockholder indebted to the Bank shall transfer his or her stock until all debts due said Bank by such Stockholder shall be paid. The number of votes in electing Directors to which each of the Stockholders shall be entitled, shall be according to the number of shares he shall hold, each share to be entitled to one vote, and no share or shares, after the first election, shall confer a right of suffrage which shall not have been holden by the person in whose name it appears at least three calendar months previous to the day of election, or unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or in that of his wife, and for his or her sole use and benefit, or as executor, administrator, or guardian, or in the right and use of some co-partnership, corporation or security, of which she or he may be

1860.

Qualification of
Directors.

President.

Cashier.

Compensation.

By-laws.

Cashier to give
bond.

Oath of officers.

Extent of liabil-
ities.Meeting of
stockholders,
how called.

a member, and not as security or by way of hypothecation. Any Stockholder being absent may authorize, by power of attorney under seal, any other stockholder to vote for him or her. None but a Stockholder entitled in his own right, to which he shall swear if required by any one Stockholder, to ten shares of said stock, and not being a Director of any other Bank, shall be eligible as a Director, and if any one of the Directors of said corporation shall, after being elected, become a Director of any other Bank, or cease to be a Stockholder of ten shares as aforesaid, his seat shall thereupon become vacated, and the remaining Directors or a majority of them shall, upon their next meeting, pass and enter upon their minute book an order declaring him no longer to be a Director. The Directors so appointed shall at their first meeting thereafter proceed to the appointment of the President from their own body, and the said President and Directors may appoint a Cashier and such other officers under them as they may deem necessary and expedient for carrying the provisions of this act into effect, and shall make compensation to them for their services as shall appear to them reasonable, and shall be capable of exercising such other powers and authorities of making, revising, altering, or annulling all such by-laws and regulations for the government of said Company and that of their officers and affairs, as they or a majority of them shall from time to time think expedient, and not inconsistent with the constitution and laws of this State. The Cashier, before he enters upon the duties of his office, shall be required to give bond with two or more securities, to the satisfaction of the Directors, in such sum as they by their by-laws may order and direct, from time to time, with conditions for the faithful performance of his duties; and the President, Cashier, and other officers of the Bank, shall take the following oath on entering on the duties of their respective offices: "I, A B, do solemnly swear (or affirm) that I will well and faithfully discharge the duties of President, Cashier or other officer, as the case may be, of the Western Bank of Florida," which shall be subscribed and entered upon the minutes from the time this act shall take effect. The total amount which the Bank may at any time owe, either by bond, bill, note, or other contract, shall not exceed double the amount of the capital stock actually paid in, in gold and silver coin.

SEC. 8. *Be it further enacted*, That any number of Stockholders, not less than ten, who together shall be the proprietors of two hundred shares or upwards, shall have power at any time to call a meeting of the Stockholders, for purposes relative to the institution, giving at least thirty days notice in any newspaper published in Apalachicola, specifying in such notice the object of said meeting.

SEC. 9. *Be it further enacted*, That the Directors shall keep

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fair and regular minutes of their proceedings, and upon any question, when a Director shall require it, the yeas and nays of the Directors voting shall be entered in said minutes, and the books and papers, correspondence and funds of the Company, shall at all times be subject to the inspection of the Board of Directors or of Stockholders when convened, according to the provisions of this act.

Minutes of proceedings.
Books, &c.

SEC. 10. *Be it further enacted*, That dividends of the profits of the corporation, or so much thereof as shall be deemed expedient and proper, shall be declared by a majority of the Directors at a meeting to be held for that purpose, and paid half quarterly, the first half year after the Bank shall have been in operation excepted; but the dividends shall in no case exceed ten per cent., the amount of net profits actually made by the corporation, so that the capital stock thereof shall never be diminished, and if the same shall ever be diminished, the charter shall be forfeited.

Dividends.

Limit of dividends.

Capital stock shall not be diminished.

Passed the House of Representatives February 12th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,145—[No. 52.]

AN ACT to establish the Commercial Bank of Lake City.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That a Bank shall be established in Lake City, to be called the Commercial Bank of Lake City, the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and that, for the purpose of receiving subscriptions for said stock, books shall be opened on the first of March in Lake City and Fernandina and be continued open till the sum of one hundred thousand dollars are subscribed and paid in, in gold or silver, to the following Commissioners, who are authorized to open said books for said subscription at said time: James M. Baker, C. A. Huntington, William B. Ross, Joseph Price, William Warne, W. W. McCall, George Suesson, James Billo, or any five of these.

Bank established.

Name and capital stock.

Books of subscription.

Commissioners

SEC. 2. *Be it further enacted*, That when said one hundred thousand dollars are *bona fide* subscribed and paid in, in gold and silver, as above specified, the subscribers to said stock, their successors and assigns, shall be and are hereby created and made a body politic, by the name and style of the President and Direc-

Body politic.

1860.

Limitation.

Powers and restrictions.

tors of the Commercial Bank of Lake City, and shall so continue until the first of January, one thousand eight hundred and eighty-one.

SEC. 3. *Be it further enacted*, That this body politic or corporation shall have all the powers and be subject to all the restrictions of a body politic and corporate heretofore made and created by the name and style of the President and Directors of the Planters' and Merchants' Bank of Pensacola.

Passed the Senate January 30th, 1861. Passed the House of Representatives February —, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,146—[No. 53.]

AN ACT to establish the Bank of Tallahassee at Tallahassee.

Bank establi'd.

Capital stock,
Shares.Books of sub-
scription.

Commissioners

Shares, how p'd

Failure to pay
instalments.Proviso as to di-
vidend.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That a Bank shall be established in the city of Tallahassee, the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and that for the purpose of receiving subscriptions for said stock, books shall be opened on the first Monday in February, in the year of our Lord one thousand eight hundred and sixty-one, and remain open, for the space of sixty days, at Tallahassee, under the superintendence of the following persons, or a majority of them, at Tallahassee: R. A. Shine, D. C. Wilson, Wm. P. Slusser, Henry L. Rutgers, John McDougall, Asa B. Clark, P. B. Brokaw and Thos. Hayward.

SEC. 2. *Be it further enacted*, That one-fourth of each share shall be paid in gold or silver, or their equivalent, to the Commissioners above named at time of subscribing; that another fourth shall be paid in, in gold or silver, or their equivalent, to the Directors, chosen in the manner hereinafter described, within sixty days after the Bank shall have commenced business, and the remainder shall be paid as aforesaid within nine months after the commencement of its operations; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of eight per cent. per annum, and his stock shall be forfeited and may be sold by the Bank, and the proceeds applied to the payment of said deficient instalment, with the interest thereon, and the balance, if any, paid over to the said subscriber: *Provided*, That no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver, or their equivalent.

SEC. 3. *Be it further enacted*, That when two thousand shares are subscribed and the sum of one hundred thousand dollars is actually paid in specie to the Commissioners, the subscribers to said Bank, their successors and assigns, shall be and are hereby created and made a corporation and body politic, in law and in fact, by the name and style of the "President and Directors of the Bank of Tallahassee, at Tallahassee," and shall so continue until the first day of January, one thousand eight hundred and eighty-one, and by the name and style aforesaid they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves and their successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, demise, alien and dispose of, to sue and be sued, to implead and be impleaded, answer and be answered, defend and be defended in Courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for the making whereof general meetings of the Stockholders may be called in the manner hereafter specified, and generally to do and execute all acts, matters and things which a corporation and body politic in law may or can lawfully execute or do, subject to the rules, regulations, restrictions and provisions hereafter prescribed and declared.

SEC. 4. *Be it further enacted*, That as soon as two thousand shares shall be taken in the stock of said Bank, the required instalments paid to the Commissioners who keep the books, notice thereof shall be given in the gazettes published at Tallahassee, and a meeting of the subscribers, to be held ten days at least after the date of the notice, shall be called. If at this meeting those or their agents, who have a majority of the votes, according to the rules hereafter described, be present, (if not, another meeting shall be called,) they shall proceed to the election of seven Directors, who shall take charge of the books and money in the hands of the Commissioners and immediately pursue the usual means to put the Bank in operation: *Provided*, One hundred thousand dollars in specie shall be actually paid in to them by the Commissioners. The said Directors shall remain in office until the first Monday in January, one thousand eight hundred and sixty-two, or until their successors shall be appointed; and on the first Monday of January in each year, or at any time thereafter, meetings of the Stockholders shall be held in the city of Tallahassee for the purpose of electing Directors, enquiring into the affairs of the institution and making such regulations as shall be deemed fit and necessary.

1860.

Corporation
created.

Name.

Limitation.

Powers.

By-laws.

Notice and
meeting of sub-
scribers.

Directors.

Proviso.

Meet'g of stock-
holders.

1860.

When Bank
may go into oper-
ation.
Dividends.

Rules and regu-
lations.

President.

Compensation.

Meet'g of stock-
holders.

Cashier.

Bond.

Proceedings.

Oath of Cashier

SEC. 5. *Be it further enacted*, That the Bank may go into operation when one hundred thousand dollars shall have been paid in specie, and that no dividends on the profits of the Bank shall be declared by the President and Directors until the whole amount of the capital stock subscribed shall be realized to the Bank in gold or silver or their equivalent.

SEC. 6. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the Constitution of the corporation: A meeting of the Stockholders cannot be held unless those who have a majority of the whole number of votes be present, and every act shall have the sanction of a majority of the votes which may be present; every Stockholder holding one share shall be entitled to one vote, and all holding over one share, shall be entitled to vote on every share held by him. After the first meeting, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of voting. Stockholders may vote at elections and general meeting by proxy, the proxy himself being a Stockholder, and the Directors, when appointed, shall choose one of their number (which shall always be seven) to be President of said Bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the Stockholders; but compensation to the President or Directors shall be granted at the pleasure of the Stockholders. Not less than five Directors, of whom the President shall be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the President, when he may by writing nominate any other Director to supply his place. A number of Stockholders, not less than ten, who together shall be the owners of two hundred shares or upwards, shall have power at any time to call a general meeting of the Stockholders for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting. The Directors shall annually elect a Cashier and such other offices as may be necessary to perform the business of the Bank. Those officers shall be required to give bond with one or two securities, in sums not less than twenty thousand dollars, with a condition for good behavior and faithful discharge of duty. The Cashier shall keep a book to contain the proceedings of the Board of Directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays on any question, when asked for by a Director. This book shall be evidence in Courts of Justice against said Bank, and in entering on the discharge of his duties, the Cashier shall take the following oath or affirmation before some Justice of the Peace, by whom it shall be deposited in the office of the Clerk of the Circuit Court of Leon county, viz: "I, A B, do solemnly swear to keep a just

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and true record without alterations in, or erasures of the transactions of the Board of Directors of the Bank of Tallahassee, in a book to be kept by me for that purpose." In all cases in addition to the usual personal security, the stock of Directors shall be considered as a pledge for the re-payment of the money which they may borrow, whether as principal or surety. The said corporation shall purchase and hold only such lands and tenements, rents and hereditaments, as shall be requisite for the convenient transaction of business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. The said corporation shall neither directly nor indirectly trade in anything except bills of exchange, promissory notes and bonds, expressing on the face of them to be negotiable and payable at said Bank, gold or silver bullion, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or of goods which shall be the produce of its lands, mint certificates, the public debts of the stock of such other Bank as may be hereafter established by a law of the other States, provided the investment in such stock shall not exceed one-half of the capital stock of this Bank, neither shall the said corporation take more than at the rate of eight per centum per annum for or upon its loans and discounts, which interest shall be taken in advance at the time of discount. The total amounts of the debts which the said corporation shall owe at any time, shall not exceed twice the amount of the stock actually paid in, over and above the sum there actually deposited in the Bank for safe-keeping. If this or any other enactment herein contained be violated, the Directors knowingly and willingly assisting to such violation shall be deemed to have committed a misdemeanor, and upon conviction in the Circuit Court, shall be fined or imprisoned, or both, at the discretion of the Court. If a vacancy shall occur in the Directory by death, resignation or otherwise, the remaining Directors shall fill such vacancy until the succeeding meeting of the Stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the laws and ordinances of the same. The officer at the head of the Treasury Department of the State shall be furnished once in six months with a statement of the amount of capital stock of said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of cash in hand; and shall have a right to inspect such general accounts in the books of the Bank as shall relate to said statement: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the Bank, except of the Directors. The bills, obligations and of

Stock of Directors pledged.

Limitation of business.

Limit of interest.

Liabilities.

Violation of charter.

Penalty.

Vacancy in Directory.

Assignment of stock.

Statement to the Treasurer of the State.

Proviso.

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Bills assignable

Bills payable to
bearer.Denomination
of notes.Refusal of pay-
ment.Suit against
Directors.Stockholders
liable.Subscription
books.Embezzlement
of funds, how
punished.Forgery or
counterfeiting,
how punished.

credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement therein, under the hand or hands of such person or persons, and of his, her or their assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes which may be issued by order of said corporation, signed by the President, and countersigned by the Cashier, promising the payment to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same in the like manner, and with the like force and effect as upon any private person or persons, that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only.

SEC. 7. *Be it further enacted*, That no note shall be issued by the said Bank under the denomination of five dollars, and if any person or person holding any note or notes of such Bank shall present the same for payment, and the payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum, from the time of said demand, and the said Bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of said Bank, if not paid on demand, may bring an action of assumpsit against one or all of the Directors who may have consented to issue more than twice the capital stock paid in: *Provided*, That the Bank be not able to pay the amount.

SEC. 8. *Be it further enacted*, That in case of an insolvency of the Bank hereby created, or ultimate inability on the part of this corporation to pay, the individual Stockholders shall be liable to creditors in sums double the amounts of stock by them respectively held in said corporation.

SEC. 9. *Be it further enacted*, That the Directors shall be allowed to keep open the subscription books until the whole stock shall be taken.

SEC. 10. *Be it further enacted*, That if a Director or any other officer, agent or servant of said corporation, shall embezzle any of the funds belonging to the said Bank, with intent to defraud said corporation, or make false entries upon the books of said Bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant, shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine, at the discretion of the Court, and imprisonment not exceeding five years.

SEC. 11. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely

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made, forged, or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of or purporting to be a bill or note issued by order of the President and Directors of the Bank of Tallahassee, or any order or check upon said Bank or corporation, or any Cashier thereof, or shall falsely alter, or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of said corporation, or any order or check on said Bank, or Cashier thereof, or shall pass or receive with intent to pass, or attempt to pass, alter or publish as true, any false, forged or counterfeited bill or note purporting to be a bill or note issued by order of said corporation, or any false, forged or counterfeited order or check upon the said Bank or any Cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, or receive with intent to pass, or attempt to pass, alter or publish as true, any falsely altered bill or note issued by order of the said Bank, or any falsely altered order or check on said Bank, or any Cashier thereof, knowing the same to be falsely altered, with intention to defraud the said corporation or any body politic, or person or persons, that such person shall be deemed guilty of felony, and being thereof convicted by due course of law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars.

Penalty.

SEC. 12. *Be it further enacted*, That the President or Cashier of the said Bank shall annually pay into the Treasury of the State twenty-five cents on each share of said capital stock which may have been subscribed for and paid in, and the first payment of said tax shall be made twelve months after said Bank shall have commenced operations.

Tax.

SEC. 13. *Be it further enacted*, That the Directors of said Bank may declare, semi-annually, dividends of the profits thereof, and if at any time more than the real profits be divided, the Directors assenting thereto shall be responsible in their private capacities to creditors who have claims against the said institution.

Dividends.

SEC. 14. *Be it further enacted*, That the President of this Bank shall, in the first week in October in each and every year, transmit to the General Assembly a full statement of the condition of the Bank, exhibiting the amount of capital, notes in circulation, debts due other banks, and to what banks, deposits and all other particulars necessary to explain the debit side of the account, also specie on hand, notes of other banks, other funds specially enumerated, debts due from other banks and what banks, bills of exchange, debts on bonds and notes discounted, specifying in one item the amount due from Stockholders, and in another the amount due from Directors, not however using any person's name in either case, and amount of real estate.

Statement to the General Assembly.

SEC. 15. *Be it further enacted*, That if any President, Director,

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False returns.

Cashier, Clerk, or other officer of the aforesaid Bank, shall knowingly, willingly and with intent to deceive, make or cause to be made, or connive at making, any false return, statement or exhibit of the condition of the Bank, either to the Treasury of the State, to the Legislature, to the Board of Directors, or to the Stockholders, or to any other person or persons that may be authorized by the Legislature or by the Stockholders to receive the same, such President, Director, Cashier, Clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted as for a misdemeanor in the Circuit Courts, and upon conviction shall be fined at the discretion of the Court, and imprisoned not exceeding one year.

Punishment.

Subscriptions
may be scaled.

SEC. 16. *Be it further enacted*, That if it shall happen, when the books shall be opened as aforesaid, that a greater sum than one million of dollars shall be subscribed by individuals or bodies corporate, it shall be lawful for the Commissioners to reduce such subscriptions, according to a scale by them to be established for that purpose, to the aforesaid sum of five hundred thousand dollars: *Provided*, That no subscription of two shares or under shall be scaled until all larger subscriptions shall first be reduced to an equality with them.

Number of persons composing
corporation.

SEC. 17. *Be it further enacted*, That nothing in this act shall be so construed as to admit the creation of said Bank or to continue it if it is composed of a less number than twenty individuals, a majority of whom at least shall be residents of the State, it shall not remain in force for a greater period than twenty years, or be renewed thereafter, nor to permit said bank to exceed the following restrictions, to-wit: That the said Bank shall be restricted to the business of exchange, discount, and deposit, and it shall not speculate or deal in real estate, or the stock of other corporations or associations, or in merchandise or chattels, or be concerned in insurance, manufacturing, exportation or importation, except of bullion or specie, it shall not act as trustee in any wise, nor shall it own real estate or chattels except such as shall be necessary for its actual use in the transaction of business, or which may be pledged as further security or received towards or in satisfaction of previously contracted debts, or purchased at legal sales to satisfy such debts, of which it shall be required to make sale within two years after the acquisition thereof, nor to admit said Bank to pay its liabilities in anything but specie, and the aggregate of the liabilities and issues shall not be greater at any time than double the amount of the capital stock paid in, and it shall not make a note or security of any kind for a smaller sum than five dollars, and the General Assembly shall have power to restrict the same to twenty dollars; it shall not admit of dividends of profits exceeding ten per cent. per annum on the capital

Limitation.

Restrictions.

Liabilities and
issues limited.

Notes.

stock paid in, and all profits over ten per centum per annum shall be set apart and retained as a safety fund.

Passed the Senate February 1st, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,147—[No. 54.]

AN ACT to establish the Bank of Commerce at Fernandina.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That a Bank shall be established in Fernandina, to be called the Bank of Commerce, the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and that, for the purpose of receiving subscriptions for said stock, books shall be opened, on the first day of March, in Fernandina, and be continued open till the sum of one hundred thousand dollars is subscribed and actually paid in, in gold and silver coin, to the following Commissioners, who are authorized to open said books and receive the said subscriptions, viz: James E. Broome, W. N. Bilbo, Leonard Dozier, Jr., Thomas S. Levy, Philip Dell, Felix Livingston, Joseph Finegan, George W. Call, A. H. Cole and D. J. Taylor, or any three of them.

Bank establis'd

Capital stock.

Books of subscription.

Commissioners

SEC. 2. *Be it further enacted,* That when said one hundred thousand dollars are paid in, in gold and silver coin as aforesaid, the subscribers for said stock, their successors and assigns, shall be and they are hereby created and made a body politic, by the name and style of the President and Directors of the Bank of Commerce of Fernandina, and shall so continue until the first of January, one thousand eight hundred and eighty-one.

Body politic.

Limitation.

SEC. 3. *Be it further enacted,* That the body politic or corporation shall have all the powers and be subject to all the restrictions of a body politic and corporate heretofore made and created by the name and style of the President and Directors of the Planters' and Mechanics' [Merchants'] Bank of Pensacola, which was passed at this session of the General Assembly.

Powers and restrictions.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 13th, 1861. Approved by the Governor February 14th, 1861.

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CHAPTER 1,148—[No. 55.]

AN ACT for the relief of the Pensacola and Georgia Railroad Company and other Railroad Companies in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor be and he is hereby authorized to make such arrangements as he may deem judicious and proper with the Pensacola and Georgia Railroad Company, and all other Railroad Companies in this State having railroad iron under bond, for the delivery to that Company of all the Railroad iron now at St. Marks, and that the Collector of the Customs for the District of St. Marks, or other ports of this State, be and he is hereby required to deliver said iron on the warrant of the Governor.

Iron under bond

Passed the Senate February 7th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,149—[No. 56.]

AN ACT to amend the Charter of the Alabama and Florida Railroad Company in relation to the election of Directors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the act approved January 8th, 1853, incorporating the Alabama and Florida Railroad Company, be and the same is hereby so amended, that hereafter, in the election of Directors for said Company, the city of Pensacola shall by her vote elect four of the number and the individual Stockholders shall elect the remaining five of the number: *Provided, however,* This amendatory act shall not be of force until approved by a majority of the voters of said city, in an election to which the Mayor and Board of Aldermen of said city shall submit the question of approval or disapproval, but to be of force from the date of such approval.

City of Pensacola to elect Directors.

Question to be submitted to the citizens of Pensacola.

Time of elect'n.

SEC. 2. *Be it further enacted,* The election heretofore provided for shall be held at the time of the next annual election for Mayor and Aldermen of the said city of Pensacola.

Passed the House of Representatives January 22d, 1861. Passed the Senate February 4th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,150—[No. 57.]

AN ACT to incorporate the Alachua County Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That George S. Roux, Philip Dell, Oliver P. Hull, Jesse T. Bernard, L. M. Scarborough, Jesse M. Valentine and Lemuel Wilson be and they are hereby constituted Commissioners to open books and receive subscriptions for stock in a Railroad to be constructed from the town of Waldo to Newnansville, in the county of Alachua, any three of whom may open books, at such times and places as they may think proper, upon giving at least twenty days public notice thereof, and shall keep the same open until the whole capital stock is subscribed, and upon all stock so subscribed two and a half per cent. shall be required to be paid at the time of subscription.

Commissioners

Books of subscription.

Notice.

Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said Company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

Shares.

SEC. 3. *Be it further enacted,* That the said Railroad shall extend from the town of Waldo to the town of Newnansville, now in the county of Alachua, State of Florida.

Route of R. R.

SEC. 4. *Be it further enacted,* That as soon as thirty thousand dollars shall have been subscribed to the capital stock, the subscribers, their heirs, successors and assigns, shall be and they are hereby declared to be a body corporate, by the name and style of the Alachua County Railroad Company, and by said corporate name shall be capable of purchasing, holding, leasing, selling and conveying real, personal and mixed property, may sue and be sued, make contracts, pass by-laws and do all lawful acts properly incident to a corporation or necessary and proper for the transaction of the business for which it was incorporated, and to have and to use a common seal and the same to alter and destroy at pleasure.

Body corporate.

Name.

Corporate powers.

SEC. 5. *Be it further enacted,* That as soon as thirty thousand dollars shall have been subscribed, the Commissioners named in the first section of this act, or any three of them, shall call a meeting of the subscribers at such time and place as they may appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect by ballot seven Directors, who shall be Stockholders, to manage the affairs of said Company, and at such and all future elections each Stockholder shall be entitled to one vote for each share he or she may hold and vote in person or by proxy in writing, and the Directors thus chosen shall remain in office for one year, or until their successors are duly

Meeting of subscribers.

Directors.

Elections.

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elected, and an annual election shall thereafter be held by said Company at such time and place as the by-laws of the Company may direct or provide.

President.

Vacancy.

SEC. 6. *Be it further enacted*, That the Board of Directors so elected as aforesaid shall elect one of their number to be President, and in case any vacancy occur in the Board between two periods of general election, the remaining members of the Board shall fill such vacancy from the Stockholders by the selection of a suitable person to serve until the next regular election; and if it should so happen that the day of the annual election of Directors should pass without an election being effected, or any day for such election, the corporation shall not thereby be dissolved or be deemed discontinued, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by the by-laws, and, in the mean time, the President and Directors then in office shall continue to hold over until an election is effected.

Failure of election.

Board of Directors.

SEC. 7. *Be it further enacted*, That a majority of the Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or unavoidable cause of absence, when his place may be filled *pro tempore* by the Board from one of its own number.

Officers, engineers, &c.

SEC. 8. *Be it further enacted*, That the Board of Directors shall appoint all such officers, agents, engineers or servants whatsoever as they may deem necessary, and may dismiss them at pleasure, may determine the compensation of all persons in the employ of said Company, and a majority of them shall have power to call a meeting of the Stockholders at any time, and said Directors are further empowered to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this Company for carrying into effect the objects of this act: *Provided*, Such by-laws shall not be contrary to the laws of this State; and the said Directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, and to pledge the property of said Company for the payment of the same with interest.

By-laws.

Directors may borrow money.

Instalments of stock.

Notice.

Failure to pay instalments.

SEC. 9. *Be it further enacted*, That the Board of Directors may call for instalments on each share of stock, in amount not exceeding ten per cent., at such times as they may deem necessary for the interest of the Company, giving at least sixty days notice in some newspaper published in this State of such call, and any and all Stockholders failing to pay any instalment so called for within thirty days after the time designated in such call for payment, shall forever forfeit his stock in said Company, and all instalments paid thereon, or be liable to have such balance as may be due recovered by an action of debt, at the discretion of the Company. In the event the stock be forfeited, it

shall vest in and become the property of said Company and shall be disposed of as the Board of Directors shall determine.

SEC. 10. *Be it further enacted*, That certificates of stock shall be issued to the Stockholders according as it is paid in, which certificates shall be transferable on the books of the Company only, and by personal entry of the Stockholder, or his legally appointed attorney or agent, duly authorized in writing for that purpose.

Certificates of stock transferable.

SEC. 11. *Be it further enacted*, That payments of the subscription to the stock in said Railroad may be made in lands and in materials, labor, and all and every thing necessary for the construction of said road, which the Board of Directors may at their discretion deem expedient to accept; and the said Board of Directors shall keep fair and regular entries of their proceedings, in a book to be provided for that purpose, which book shall be open to the inspection of the Stockholders at any meeting of the Board.

Payments of subscription of stock may be made in lands. &c.

Record of proceedings.

SEC. 12. *Be it further enacted*, That the President and Directors of said Company are hereby authorized to contract for and receives conveyance of land, stone, timber or wood, which may be necessary for the construction of said road; and when the owner and the Company cannot agree upon the price, or when the owner is an infant, non-resident, *feme covert* or *non compos mentis*, then it shall be lawful for the President and Directors of said Company to apply to the Sheriff of the county, in which said land is situated, who shall summon a jury of five disinterested free-holders, a majority of whom shall be authorized to assess the damages and return their award to the next term of the Circuit Court for the county, which shall be entered by the Clerk as the judgment of the Court, and execution may issue thereupon for the amount for said award and costs, with the right of appeal to either party, to be tried by a special jury at that or the next ensuing term of said Circuit Court, and the decision shall vest in said Company the fee simple of the land; but the proposed work shall not be delayed on account of the proceedings had as aforesaid: *Provided*, That said jury thus summoned by the sheriff shall assess the value of the land only over which said road may run for a distance of sixty feet, to be measured on each side from the centre of said Road.

May purchase lands.

When owner and company cannot agree.

Jury.

Appeal.

Work shall not be delayed. Proviso.

SEC. 13. *Be it further enacted*, That the jurors summoned as aforesaid, before proceeding to the discharge of the duties herein required, shall take an oath or affirmation administered by the sheriff that they will well and truly inquire into and to the best of their judgment assess the damages accruing to the owner or owners of such lands.

Oath of jurors.

SEC. 14. *Be it further enacted*, That if any person shall wilfully injure or obstruct in any degree said road, he shall forfeit

Persons injuring or obstructing road.

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and pay to the President and Directors of said Company four times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the manner now provided by law for individuals in like cases, and on complaint to any Justice of the Peace within whose jurisdiction such offence shall be committed, it shall be the duty of such Justice of the Peace to bind the person or persons so offending with, sufficient security for his or their good behavior, for one year, and such offender shall also be subjected to indictment, and shall be sentenced at the discretion of the Court to be imprisoned not less than three nor more than six months.

Public roads
shall not be ob-
structed.

SEC. 15. *Be it further enacted*, That in the construction of said Railroad, the President and Directors of said Company shall in no manner obstruct any public road now established, but shall provide convenient passages to travel on said road, and any public road or private road may at any time be constructed across said Railroad: *Provided*, Such public or private road shall not at all obstruct or incommode the free use of said Railroad.

Tolls.

Net profits lim-
ited.

SEC. 16. *Be it further enacted*, That after the completion of said Road or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandize and other commodities transported thereon: *Provided*, The net profits on said Road shall not exceed twenty-five per cent. per annum upon the capital stock.

Taxation.

SEC. 17. *Be it further enacted*, That the said Railroad and its appurtenances, and all property herewith connected, shall not be taxed higher than one half of one per cent. upon its annual income.

Time of con-
struction.

SEC. 18. *Be it further enacted*, That the Company hereby incorporated shall commence the building of their Road within five years and complete the same within five years from the passage of this act.

Passed the Senate February 11, 1861. Passed the House of Representatives February 12, 1861. Approved by the Governor February 14, 1861.

CHAPTER 1,151—[No. 58.]

AN ACT to incorporate the Lake City and Blunt Ferry Railroad Company.

Commissioners

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That S. L. Niblack, T. C. Carter, G. H. Hunter, J. J. Goodbread, J. W. Jones, A. J. Goodbread, W. A. Sheffield, John Peoples

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Books of subscription.

Notice.

Stock.

Capital stock.

Route of road.

Body corporate.

Name.

Corporate powers.

Meeting of subscribers.

Directors.

Elections.

President.

and James L. King be and they are hereby constituted Commissioners to open books and receive subscriptions for stock in a Railroad to be constructed from the city of Lake City, in the county of Columbia, to the Georgia line, at or near Blunt's Ferry, on the Suwannee river, any three of whom may open books, at such time and places as they may think proper, upon giving at least twenty days public notice thereof, and shall keep the same open until the whole capital stock is subscribed, and upon all stock so subscribed two and a half per cent. shall be required to be paid at the time of subscription.

SEC. 2. *Be it further enacted,* That the capital stock of said Company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 3. *Be it further enacted,* That the said Railroad shall extend from the city of Lake City to the Georgia line, at or near Blunt's Ferry, on the Suwannee river, to be determined by a majority of the Board of Directors of said Company.

SEC. 4. *Be it further enacted,* That as soon as forty thousand dollars shall have been subscribed to the capital stock of said Company, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be a body corporate, by the name and style of the Lake City and Georgia Railroad Company, and by said corporate name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, may sue and be sued, make contracts, pass by-laws and do all lawful acts properly incident to a corporation or necessary and proper for the transaction of the business for which it is incorporated, and to have and use a common seal and the same to alter or destroy at pleasure.

SEC. 5. *Be it further enacted,* That as soon as forty thousand dollars shall have been subscribed, the said Commissioners named in the first section of this act, or any three of them, shall call a meeting of the subscribers, at such time and place as they may appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect by ballot seven Directors, who shall be Stockholders, to manage the affairs of said Company, and at such and all further elections each Stockholder shall be entitled to one vote for each share which he or she may hold, and may vote in person or by proxy in writing, and the Directors thus chosen shall remain in office for one year or until their successors are duly elected, and an annual election shall thereafter be held by said Company at such time and place as the by-laws of the Company may direct or provide.

SEC. 6. *Be it further enacted,* That the Board of Directors so elected as aforesaid shall elect one of their number to be President, and in case any vacancy occur in the Board between two periods of general election, the remaining members of the Board

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Vacancy.

Failure of election.

Board of Directors.

Officers, engineers, &c.

By-laws.

Directors may borrow money.

Instalments of stock.

Notice.

Failure to pay instalments.

Certificates of stock transferable.

shall fill such vacancy from the Stockholders by the election of a suitable person to serve until the next regular election; and, if it should so happen that the day of the annual election of Directors should pass without an election being effected, or any day for such election, the corporation shall not thereby be dissolved or be deemed discontinued, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by the by-laws, and, in the mean time, the President and Directors then in office shall continue to hold over until an election is effected.

SEC. 7. *Be it further enacted*, That a majority of the Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or other unavoidable cause of absence, when his place may be filled *pro tempore* by the Board from one of its own members.

SEC. 8. *Be it further enacted*, That the Board of Directors shall appoint all such officers, agents, engineers or servants whatsoever as they may deem necessary, and may dismiss them at pleasure, may determine the compensation of all persons in the employ of said Company, and a majority of them shall have power to call a meeting of the Stockholders at any time, and said Directors are further empowered to pass all by-laws which they may deem necessary and proper for exercising all the power vested in this Company for carrying into effect the objects of this act: *Provided*, Such by-laws shall not be contrary to the laws of this State; and the said Directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, and to pledge the property of said Company for the payment of the same with interest.

SEC. 9. *Be it further enacted*, That the Board of Directors may call for instalments on each share of stock, in such amount, not exceeding ten per cent., at such times as they may deem necessary for the interest of the Company, giving at least sixty days notice, in some newspaper published in this State, of such call, and any and all Stockholders failing to pay any instalment so called for within thirty days after the time designated by such call for payment, shall forever forfeit his stock in said Company and all instalments paid thereon, or be liable to have such balance as may be due recovered by an action of debt, at the discretion of the Company. In the event the stock be forfeited, it shall vest in and become the property of said Company, and shall be disposed of as the Board of Directors shall determine.

SEC. 10. *Be it further enacted*, That certificates of stock shall be issued to the Stockholders according as is paid in, which certificates shall be transferable on the books of the Company only and by personal entry of the Stockholder, or his legally appointed

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attorney, or his agent, duly authorized in writing for that purpose.

SEC. 11. *Be it further enacted*, That payments of the subscription to the stock in said Railroad may be made in materials, labor and all and everything necessary for the construction of the said road, which the Board of Directors may at their discretion deem expedient to accept; and the said Board of Directors shall keep fair and regular entries of their proceedings in a book to be provided for that purpose, which book shall be open to the inspection of the Stockholders at any meeting of the Board.

SEC. 12. *Be it further enacted*, That the President and Directors of said Company are hereby authorized to contract for and receive conveyances of land, stone, timber or wood, which may be necessary for the construction of said Railroad, and when the owner and the Company cannot agree upon the price, or when the owner is an infant, non-resident, *feme covert*, or *non compos mentis*, then it shall be lawful for the President and Directors of said Company to apply to the sheriff of the county in which said land is situated, who shall summons a jury of five disinterested freeholders, a majority of whom shall be authorized to assess the damages and return their award to the next term of the Circuit Court for the county, which shall be entered by the Clerk as the judgment of the Court, and execution may issue thereupon for amount of said award and cost, with the right of appeal to either party to be tried by a special jury at that or the next ensuing term of said Circuit Court, and the decision shall vest in said Company in fee simple of the land, but proposed work shall not be delayed on account of the proceedings had as aforesaid: *Provided*, That said jury thus summoned by the sheriff shall assess the value of the land only over which said road may run for a distance of sixty feet, to be measured on each side from the centre of said Road.

SEC. 13. *Be it further enacted*, That the persons summoned as aforesaid, before proceeding to the discharge of the duties herein required, shall take an oath or affirmation administered by the sheriff that they will well and truly inquire into, and to the best of their judgment assess the damages accruing to the owner or owners of such lands.

SEC. 14. *Be it further enacted*, That if any person or persons shall wilfully injure or obstruct in any degree said Railroad, he shall forfeit and pay to the President and Directors of said Company four times the amount of damages they may sustain in consequence thereof, to be sued for and recovered in the manner now provided by law for individuals in like cases, and on complaint to any Justice of the Peace within whose jurisdiction such offences shall be committed, it shall be the duty of such Justice of the Peace to bind the person or persons so offending with sufficient

Payment for stock may be made in lands, &c.

Record of proceedings.

May purchase land, &c.

When owner and company cannot agree.

Jury.

Appeal.

Work shall not be delayed. *Proviso.*

Oath of jurors.

Persons injuring or obstructing road.

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security for his or their good behavior for one year, and such offender shall also be subject to indictment, and shall be sentenced, at the discretion of the Court, to be imprisoned not less than three nor more six months.

SEC. 15. *Be it further enacted*, That in the construction of said Railroad, the President and Directors of said Company shall in no manner obstruct any public Road now established, but shall provide convenient passages to travel over said Road; and any public or private Road may at any time be constructed across said Railroad: *Provided*, That such public or private road shall not at all obstruct or incommode the free use of said Railroad.

SEC. 16. *Be it further enacted*, That after the completion of said Railroad or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandize, or other commodities transported thereon: *Provided*, That the net profits on said Road shall not exceed twenty-five per cent. per annum upon the capital stock.

SEC. 17. *Be it further enacted*, That the said Railroad and its appurtenances, and all property herewith connected, shall not be taxed higher than one-half of one per cent. upon its annual net income.

SEC. 18. *Be it further enacted*, That the Company hereby incorporated shall commence the building of their Road within three years, and complete the same within five years from the passage of this act.

Passed the House of Representatives January 5th, 1861. Passed the Senate February 17th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,152—[No 59.]

AN ACT to incorporate the Pensacola and Mobile Railroad and Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Willis J. Milner, Alex. C. Blount, W. H. Chase, W. F. Teat, Hawes Gatchell, James Gonzales and James Abercrombie, be and they are hereby appointed Commissioners, to cause books to be opened at such times and places as they, or a majority of them, may select, for subscriptions to the capital stock of the Pensacola and Mobile Railroad and Manufacturing Company.

SEC. 2. *Be it further enacted*, That the Commissioners appointed in the foregoing section shall assemble in the city of Pensacola, on the 1st Monday in April, 1861, or on such day there-

Public road
shall not be ob-
structed.

Tolls.

Net profits lim-
ited.

Taxation.

Time of con-
struction.

Commissioners
appointed.

Commissioners
to assemble at
Pensacola.

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after as a majority of them may agree upon, and, a majority being present, they shall appoint the times and places when and where such subscription books shall be opened, and they shall determine the amount to be paid on each share at the time of subscribing, and they shall cause notice thereof to be published in such newspapers as they may deem advisable, at least ten days before the day or days appointed for the opening of said books, which said books shall be kept open for one week, or until the sum of One Hundred Thousand Dollars has been subscribed to the capital stock of said Company.

Time of opening books of subscription, &c.

Am't of stock to be subscribed.

SEC. 3. *Be it further enacted*, That whenever the said Commissioners shall find, on examination, that the sum of One Hundred Thousand Dollars or more has been subscribed to the capital stock of said Company, then the said subscribers, or those whom they may at any time thereafter associate with them, their successors and assigns, shall be and they are created and made a body politic and corporate, by the name of the Pensacola and Mobile Railroad and Manufacturing Company, and by that name shall have perpetual succession and a common seal, with capacity to have, receive and enjoy, to them and their successors, property and estate of whatever nature and quality, and the same to hold, claim and transfer and dispose of, so far as it is necessary and proper to carry into effect the objects of this charter, which are hereby declared to be the construction, use and maintenance of a Railroad from some point on the Alabama and Florida Railroad, of Florida, distant not more than twenty miles from Pensacola, and running in a westerly direction to the Perdido river, at or near Hall's Bridge, and the manufacturing of lumber for the various purposes for which it is used, and making of brick, earthenware, &c.

Body corporate.

Common seal.
May hold property, &c.

Objects of charter.

SEC. 4. *Be it further enacted*, That whenever, upon examination of said subscription books, the sum of one hundred thousand dollars or more has been subscribed, the Commissioners appointed in the first section of this act, a majority of them being present, shall call a general meeting of the subscribers, at such time and place as they may appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect seven Directors, by ballot, to manage the affairs of said Company for the ensuing year; and the Commissioners aforesaid, or any three of them, shall be judges of said first election of Directors, and the Directors then chosen shall elect amongst themselves one of their number to be President of said Company, and shall allow him such compensation as they may think proper; and on all occasions, whenever a vote of stockholders shall be taken, each stockholder shall be allowed one vote for every share of stock owned by him or her, and any stockholder may depute any other person to vote for him or her, as his or her proxy, by written authority.

Commissioners to call meeting of subscribers.

Election of Directory.

President.

Stockholders entitled to vote.

Proxy.

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Company not dissolved from failure of election.

Vacancies, how filled.

Directors, how chosen.

President, how chosen.

Appointment of officers, engineers, &c.

By-laws, &c.

Books for additional subscription.

Stock.

Instalments on shares.

Forfeiture for non-payment of stock.

SEC. 5. *Be it further enacted*, That in case it shall so happen that an election of Directors shall not be made on the day appointed by the by-laws of said Company, said Company shall not for that cause be dissolved, but such election may be holden on any other day, which shall be appointed by the Directors of said Company, and, if necessary, such meeting may be adjourned from day to day until such election can be made, and said Directors shall have power to fill any vacancy which may occur in the Board by death, resignation or otherwise:

SEC. 6. *Be it further enacted*, That the Directors shall be chosen annually by the Stockholders of said Company, and shall hold their offices until their successors are elected, and the Directors so elected shall elect their President from among themselves.

SEC. 7. *Be it further enacted*, That the said President and Directors may appoint all such officers, engineers, agents and servants, and confer on them such power and authorities, as they may deem necessary to carry on the business of said Company; they shall fix the compensation to be allowed them, or give the power to do so to the President of the Company, and may remove all such officers, engineers, agents and servants at their pleasure; they shall have power to pass all such by-laws, rules and regulations as they may consider necessary for the good government of the corporation, its agents, officers and servants, and for carrying into effect the object of this act: *Provided only*, That such by-laws, rules and regulations shall not be contrary to the laws of this State.

SEC. 8. *Be it further enacted*, That the said President and Directors may open, at such times and places as they may select, books to receive additional subscription to the capital stock of said Company, upon such terms and conditions as they may provide, which capital stock may be added to and increased from time to time until it shall amount to the sum of two hundred and fifty thousand dollars.

SEC. 9. *Be it further enacted*, That the said President and Directors shall have power to require the Stockholders of said Company to pay such instalments on their respective shares of stock in said Company at such times as they may think best for the interest of said Company. Upon the failure or refusal of any Stockholder to pay the instalment required on his or her stock, in pursuance of any call made by said President and Directors as aforesaid, said President and Directors may, upon giving twenty days notice, proceed to sell, at public auction, the share or shares of said stock owned by said defaulting Stockholders, or such part as they may think proper, to the highest bidder, and cause to be transferred on the books of said Company the stock so sold to the purchaser; and if, on the sale of the shares of the stock held by said defaulting Stockholder, said stock shall

1860.

Stockholders
liable for defi-
ciency.

be sold for less than the amount due upon the instalments which have been called in, said Stockholders shall be liable to pay to said Company the deficiency, in manner and form hereinafter specified.

SEC. 10. *Be it further enacted*, That upon the failure or refusal of any Stockholder to pay any instalments called for by the President and Directors of said Company, or, if upon sale of the stock held by said Stockholder, it shall be sold for less than the amount due upon the instalments called in, then the President and Directors, on giving twenty days notice to said defaulting Stockholder, may proceed, by their attorney, to move the Circuit Court of the county in which said Stockholder may reside for judgment against the Stockholder for the amount called for by said President and Directors of said Company, or, as the case may be, for any deficiency or balance that may be due to said Company on said instalments so called for after the sale of any stock held in said Company by said defaulting Stockholder; and said Court is hereby authorized and empowered and required to render judgment against such defaulting Stockholder at the term of the Court at which said motion is made, and all notices required to be given to any defaulting Stockholder shall be issued by and in the name of the Company and signed by the Secretary of said Company. Said notice shall be served by the Sheriff, or other legal officer of the county in which the Stockholder may reside, and said notice shall be executed and returned by said officer to the office of the Clerk of the Court, as in case of common writs.

Judgment
against delin-
quent stockhol-
der for deficien-
cy or balance.

Notice to delin-
quent stockhol-
der, how to be
given.

SEC. 11. *Be it further enacted*, That said Company is hereby authorized to purchase, receive and hold such lands and other property as may be necessary and convenient in accomplishing the object for which this incorporation is chartered, and may, by its agents, surveyors, engineers and servants, enter upon all lands through which they may deem it necessary to make said road, and to survey, locate and contract for land upon which to locate said road and upon which to erect their station houses, depots, work-shops, buildings and turn-outs, and for such other uses and purposes as may be necessary for the operation of said road.

Company au-
thorized to pur-
chase and hold
lands, &c.

To enter upon
lands, &c.

SEC. 12. *Be it further enacted*, That if said Company cannot agree with the owners of the land through which they desire the road to pass, or with any person having the authority to sell or give the right of way, it shall and may be lawful for the Clerk of the Circuit Court of the county in which the said land lies, on the application of said Company or its agents, and he is hereby required to issue a writ of *ad quad damnum*, commanding the Sheriff that without delay he cause a jury of seven good and lawful men to be upon such lands, on a day to be by the Sheriff

Right of way.

Writ of *ad quad*
damnum.

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Notice by publi-
cation.

Jury to assess
damages.

Breadth of way.

Lands for build-
ings, &c.

Sheriff to fill
jury.

Return, how
made.

Damages in
cases of per-
sons non-resi-
dent.

Oath of jurors.

fixed and appointed, and whereof it shall be his duty to give notice to the owners, or, if he or she be a minor or a lunatic, to his or her guardian, at least five days before such day, if they be within his county, or, if not, or if the owner or owners be unknown, non-resident or absent from the State, the notice shall be given by advertisement, to be by said Sheriff posted and fixed in some public or conspicuous place in the neighborhood of said land, at least ten days before the appointed day, and also by advertisement of the same in some newspaper published nearest the land, at least three weeks, by weekly insertions, prior to said day, and then to cause said jury, after being duly sworn by the Sheriff or Justice of the Peace, to make true inquest of the damage that will be sustained by such owner of estate by reason of making said road through said land, and by using so much thereof as may be necessary therefor, not exceeding one hundred feet from the centre of said road on each side, for the construction of said road, and not exceeding fifteen acres at any one place, for such station houses, depot buildings and turn-outs as may be necessary for the benefit of said Company. If any juror shall fail to appear, or, by reason of challenge or otherwise, fail to sit on such inquest, the said Sheriff shall fill said jury as soon as practicable; and, if they fail to render a verdict, the said Sheriff shall again, on the same or some subsequent day, empanel a new jury or jurors until a verdict be had; such verdict and inquest, regularly certified by said Sheriff, shall be returned to the office of the Clerk of the Circuit Court of the county in which said land may lie, and there remain among the records; and such verdicts shall vest in said Company the right to use such land, timber, stone, granted for the purposes of said road, on the payment or tender of payment of damages thereon assessed against said Company; and in cases of persons non-resident or unknown as aforesaid, or upon the refusal of said person to receive the amount, the placing of such damages to the credit of the owner, in the hands of the Probate Judge of the county in which said lands may lie, shall be deemed and taken as payment, and such Judge, may be liable on their bonds to make due payment of said money on demand.

SEC. 13. *Be it further enacted*, That the jurors trying said case shall take the following oath, which oath the Sheriff, or his Deputy acting in said case, is hereby authorized to administer: "You and each of you do swear (or affirm, as the case may be,) that you will well and truly try the case now pending and submitted to your decision between A B, complainant, and the Pensacola and Mobile Railroad and Manufacturing Company of Florida, defendants, and that you will take into consideration the advantages which the said owner will derive from the increased value of his land caused by the construction of said road, as well

1860.

as the injury and damage which may be done to him by the use of the land, timber, stone, &c., for the construction and purposes of said road, so help you God:" *Provided, however,* That in no case shall the owner of the land be brought in debt.

Proviso.

Appeal, manner, &c.

SEC. 14. *Be it further enacted,* That either party may appeal to the next Circuit Court held after the assessment, by application to the Clerk of the Court within thirty days after such assessment, and upon giving security for the prosecution of such appeal, and in case the appeal is taken by the corporation, for the judgment which may be rendered against it on the appeal.

Trial of appeal shall be *de novo*.

SEC. 15. *Be it further enacted,* That the trial of such appeal shall be *de novo*, and if the corporation is the appellant and the damage assessed is equal to or greater than found on the previous inquest, the appellant must pay the cost, and the Court may award damages not exceeding ten per cent. if of opinion that the appeal was taken for delay merely.

Cost.

SEC. 16. *Be it further enacted,* That in case the appeal is not taken by the corporation and the appellant does not recover more damages than were assessed to him in the previous inquest, judgment for costs must be given against him; in such appeal, when judgment is against the appellant, execution may issue against his security.

Execution to issue against surety.

SEC. 17. *Be it further enacted,* That the work of surveying, locating and constructing said Railroad, shall in no wise be hindered or delayed on account of the proceedings had under the provisions of the foregoing sections of this act.

Work of surveying, &c., not to be hindered or delayed.

SEC. 18. *Be it further enacted,* That in case any person shall wilfully injure or obstruct said Road, or delay the construction thereof, he shall forfeit and pay to said Company three times the amount of the damages it may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for such individuals in like cases, and on complaint made to any Magistrate, within whose jurisdiction such offence shall be committed, it shall be the duty of said Magistrate to bind the person or persons so offending, with sufficient security for his or their good behavior, for a period not less than one year, and such offender shall, in addition thereto, be subject to all the penalties now provided by law for such offences.

Penalty for obstructing work.

SEC. 19. *Be it further enacted,* That whenever it shall be necessary for the construction of said Railroad to intersect or cross any stream of water or water course, whether navigable or otherwise, it shall be lawful for said Company to construct across said stream bridges, which, if upon navigable streams, shall be with draws of sufficient width to admit the safe passage of steam or other vessels navigating said streams, or be built upon such plan as will allow the passage safely of such steam or other vessels by, around, or under such bridges: *And provided,* That said

Bridges, how constructed, &c.

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Company shall at all times, day and night, keep proper watchmen to avoid delay in the passage of such steam or other vessels as may navigate said streams.

SEC. 20. *Be it further enacted*, That if it shall be necessary for said Company to continue their Railroad across or upon any public road or highway, or in case such public road or highway is so located that said Railroad cannot be judiciously laid out and constructed across or upon the same without interfering therewith, in such case or cases said corporation may, by their Engineers, cause such road or highways to be changed or altered in such manner that said Railroad may be made on the best site of ground for that purpose: *Provided*, That such road or highway shall be put by said corporation in as good repairs as it was at the time of altering or changing the same.

Road or highway may be changed, to afford site for R. Road.
Proviso.

Company may purchase capital stock of Perdido Junction R. R. Co.

SEC. 21. *Be it further enacted*, That said Company may by its President and Directors, by and with the consent of a majority of the Stockholders in value, contract for the purchase of the capital stock of the Perdido Junction Railroad Company, a corporation now in existence under and by virtue of an act of the General Assembly of the State of Florida, chapter 241, passed January 4th, 1849, and approved January 12th, 1849, entitled an "act to encourage and facilitate internal improvements and to authorize and regulate partnerships therein," whose articles of agreement and co-partnership will be found of record in the Circuit Court of the county of Escambia, State of Florida, in book O, at page 279 to 281, and of date of record May 11th, 1859, together with all real estate, railroad, (in part constructed) outfit and property of every kind and description, franchise, rights, privileges, emoluments and appurtenances thereunto belonging, of said Perdido and Junction Railroad Company: *Provided*, Said purchase shall in no wise affect the rights of creditors of the Perdido and Junction Railroad Company: *And provided further*, That the said Pensacola and Mobile Railroad and Manufacturing Company may sue for and recover in its name all debts, dues and demands from any debtor for said Perdido and Junction Railroad Company.

Proviso.

Company authorized to borrow money and issue bonds, notes, &c.

SEC. 22. *Be it further enacted*, That the President and Directors of said Company shall be and they are hereby authorized and empowered to borrow money to carry into effect the object of this act, to issue bonds, notes or any other obligation for the payment of the same, in such form and payable at such time and places, and bearing such rate of interest, as they may prescribe; and the said President and Directors are hereby invested with full power and authority to mortgage their road, property and the franchise of said Company to secure the payment of the same, by deed of trust or otherwise, and they have full power and authority to negotiate, pledge, hypothecate, sell or other-

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wise dispose of the promissory notes, bonds or other obligations of any person or persons or of any corporation, and, if necessary, to guarantee the payment of the same by endorsement or otherwise.

SEC. 23. *Be it further enacted*, That after the completion of any part of said road or the purchase of any road provided to be purchased by the provisions of this act, the said Pensacola and Mobile Railroad and Manufacturing Company may levy and collect tolls thereon from all persons and for all property, merchandize and other commodities transported thereon, and said Company may contract for the transportation of the mail and for the exclusive right to use their passenger trains for expressing goods, wares, merchandize and money.

Company authorized to collect tolls.

Mail.

SEC. 24. *Be it further enacted*, That all the hands belonging to or employed by said Company on their roads, works or engines are hereby declared to be exempt from the performance of road duty in the several counties through which said road may run.

Hands in employ of comp'y exempt from road duty.

SEC. 25. *And be it further enacted*, That the said Pensacola and Mobile Railroad and Manufacturing Company shall have the right to arrange with the Alabama and Florida Railroad Company of Alabama for running their trains over said railroad on such terms as may be agreed on between the two Railroad Companies, and that they shall have the further right, by and with the consent of the city authorities of Pensacola, to construct a wharf on the Bay of Pensacola, within the corporate limits of said city, or they may select and purchase some other site for their wharf in said Bay, and, in either case, connect the same with the Alabama and Florida Railroad of Florida at a point to be agreed on between the two Companies, and that the same rates of wharfage may be charged on said wharf as are levied and collected on the other wharves of the city.

Arrangement with Ala. and Fla. R. R. Co. for running trains.

Right to construct wharf, &c

Passed the House of Representatives January 1st, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,153—[No. 60.]

AN ACT to incorporate a Company to construct a Railroad from St. Andrews Bay, to some point on the line of Georgia and Alabama, in West Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That a Company be, and is hereby incorporated by the name and style of the Western Railroad Company, and by that name all

Company incorporated.
Name.

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Corporate powers.

who shall become subscribers for stock and members of said Company, their successors and assigns, shall be capable in law to purchase, receive, retain and enjoy, to them and their successors or assigns, lands and tenements, goods and chattels and effects of whatsoever the same may be, and the same to grant, sell, mortgage and dispose of, to sue and be sued, to plead and be impleaded, to make a common seal, and at pleasure to break or alter the same, to ordain, establish and put into execution such by-laws and regulations as may be deemed necessary and expedient for the government of said corporations not contrary to the Constitution of the State of Florida.

By-laws.

Route of road.

SEC. 2. *Be it further enacted*, That the said Railroad shall commence at St. Andrews Bay in the County of Washington, running thence to Marianna, County of Jackson, State of Florida, thence to some point on the Apalachicola or Chattahoochee river, between Ochesee and the Alabama line, or on the line of Florida and Alabama, hereafter to be selected by the President and Directors of said Company.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said Company shall be One Million of Dollars, divided into shares of one hundred dollars each, but which said capital stock may be increased from time to time, when found necessary, by a proper estimate to be made by a competent engineer and approved by a majority of the Directors of said Company. Books of subscription for the said capital stock shall be opened within ninety days after the approval of this act, at Marianna, Greenwood, Campbellton, Apalachicola and Pensacola, under the superintendence of three suitable persons at each of the above named places, to be appointed by the Governor and commissioned for the purpose, who shall be fully authorized and empowered to receive subscriptions of stock in said Company; each subscriber shall at the time of his subscription pay to said Commissioners ten dollars on each share subscribed for, and the books of subscriptions at each of the above mentioned places shall be kept open for the space of sixty days, at the expiration of which time they shall be closed.

Books of subscription.

Commissioners

Payment on shares.

Notice.

Meeting of stockholders.

Directors.

Votes.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Commissioners, upon the receipt of a subscription on stock and money, on stock equal in value to three hundred thousand dollars, forthwith to give notice by publication for thirty days in newspapers printed in West Florida, that a meeting of the Stockholders will be held at Marianna, at an appointed time, for the purpose of electing nine Directors, who shall be chosen from the Stockholders by the votes of said company, every stockholder being entitled to one vote for each share of stock which he or she may have subscribed for, and the said stockholders may vote by proxy; a majority of votes shall be necessary to constitute a

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choice; and the Directors so elected shall continue in office for one year, and until new Directors shall be elected. The Directors so elected, shall from their own body select a President, and in each and every year, at such time and place as the Directors may from time to time determine, there shall be an election of nine Directors as herein provided, and an election of President of, and for the government and direction of said Company, and the said Directors shall have power to fill all vacancies that may occur in their body between the periods of their annual elections:

Provided, That if from any cause whatever there should at any time be no election of Directors, the Corporation shall not for that cause be dissolved, but the Directors and other officers then in office shall continue with all the powers herein mentioned, until an election of new Directors can and does take place.

SEC. 5. *Be it further enacted*, That immediately after the organization of said Company in the manner directed in the preceding section, the Commissioners shall pay into the hands of the President the amount received by them on the stock subscribed for, together with the said books of subscription, and the said Directors shall thereupon require, at such time as they may deem expedient and necessary, payment from each Stockholder of the additional sum of ninety dollars upon each and every share subscribed to the capital stock of said Company: *Provided*, That there shall not be more than ten per centum upon each share demanded at any subsequent instalment, of which there shall be previously given at least sixty days notice in some newspaper printed in Marianna, Apalachicola and Tallahassee.

SEC. 6. *Be it further enacted*, That if any Stockholder shall fail to pay the instalments required by the provisions of the foregoing section for the space of sixty days after the day appointed for the payment of such instalment, the share or shares of such Stockholder upon which said instalment shall fail to be paid, shall be forfeited to the President and Directors of said Company, to be disposed of for the use and benefit of said Company, and any purchaser of such stock shall become subject to the same rules and regulations as the original Stockholder.

SEC. 7. *Be it further enacted*, That the said Company shall have the right and privilege to construct and complete a Railroad, with one or more tracks or sets of rails for cars, for the transportation of passengers, produce, goods and all other articles whatsoever, to commence at one of the terminus to be designated by the President and Directors, and so soon as practicable after the organization of said Company, a competent engineer, under the direction of the President and Directors, shall proceed to locate the eastern terminus and survey the route of said Railroad by Marianna and St. Andrews, and shall make the proper estimates and the necessary charts and diagrams, which

President.

Election.

Vacancy.

Failure of election.

Amount received and stock subscribed.

Instalments.

Proviso.

Failure to pay instalments.

Rights and privileges.

Engineer.

Survey of route.

1860.

Compensation.

In case suffic't
sum is not sub-
scribed.

Agent.

Machines, &c.

Property vested

Depots, &c.

Rates of stor-
age.

State land.

Swamp lands
reclaimed.

shall be filed in the office of said Company. Said Engineer and his assistants, for the survey of said route and location of the termini under the direction and approval of the Directors, shall be paid for such services, by the Company, such sums of money as may be agreed upon by the parties, and all expenses of said survey shall be paid by the Company after the location of the termini and survey of the route.

SEC. 8. *Be it further enacted*, That if after the commencement of the road, or at any time, it should appear that a sufficient sum to ensure the completion of the said road has not been subscribed, the President and Directors shall cause the books of subscription to be opened at such times and places as to them may be deemed expedient and for such a length of time as may be thought necessary; and they shall, moreover, have power to employ an agent to procure subscriptions of stock in said Company for the purpose of ensuring the completion of said work.

SEC. 9. *Be it further enacted*, That the said Company, by its President and Directors, shall have power to purchase, with the funds of the Company and to place on said Railroad, all machines, wagons, vehicles, cars and carriages and teams of any description whatsoever which they may deem proper and necessary for the purpose of transportation; all such machines, wagons, vehicles, cars, carriages and teams, and all the work constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the shareholders of the Company forever in proportion to their shares; and they are hereby authorized, at those points in the line of their Railroad where it may appear to them necessary for the accomplishment and business of the road, to establish depots and warehouses, or any other necessary and convenient houses and buildings, to be used by them for all purposes of said road, or to be disposed of by them when it may be necessary, and to charge and receive for the storage of produce, merchandize and other articles at such warehouses and other buildings as they may find it necessary to construct, rates not exceeding the ordinary warehouse duties.

SEC. 10. *Be it further enacted*, That in constructing the said Railroad it shall and may be lawful for the said Company, by its proper agents and servants, to enter upon and take possession of any land whatsoever belonging to the State which may be necessary for the completion of the work contemplated by this act; and if by the grading or construction of said road through any swamp or overflowed lands belonging to the State, the said lands shall thereby be reclaimed, one-half of the said lands shall become the property of the Company, to be applied towards the construction of said Railroad: *Provided*, That no lands shall be taken from private individuals or corporations and appropriated to the purpose aforesaid, without adequate compensation to those

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Lands belonging to private individuals.

owning the same; and that it shall and may be lawful for said Company, in like manner, to take from any land convenient to said Railroad, at all times, such timber, stone or other materials as may be necessary for the construction and keeping in repair the same: *Provided*, That nothing belonging to individuals shall be taken without adequate compensation, to be determined in a manner hereinafter provided for.

SEC. 11. *Be it further enacted*, That whenever it may become necessary for the said Company to take possession of and appropriate or use any land, timber or stone, or other material, owned by private individuals or corporations, for the route or site of said Railroad and works, or for constructing and keeping in repair the same, or any part thereof, and they do not agree upon the value and sale of the land, timber, stone or other materials that may be so taken or appropriated, it shall and may be lawful for the President and Directors of said Company, or their proper agent or agents, on giving twenty days notice, at least, in writing to the party owning the same, or to his, her or their agent, that application will be made to the Judge of the Probate Court of the county in which such lands, stone, timber or other materials may lie, or to the Judge of the Probate Court next adjoining thereto, for a writ *ad quod damnum*, which shall be granted and directed to the Sheriff of the said county, or the Sheriff of the county next adjoining thereto, to summon five disinterested persons, householders, of lawful age, to meet and value the said land, stone, timber or other materials, as the case may be, on oath, to be administered by any Justice of the Peace, whose duty it shall be to attend in person, inquest and receive their report; and, if from any cause a Justice of the Peace does not attend such inquest, then the Sheriff shall and may administer the oath and receive the report. The amount thus fixed upon by said valuation, the said Justice of the Peace or Sheriff shall receive from the said President and Directors, or their proper agent, and pay (if there be no Justice of the Peace present) the same over to persons entitled to receive it, and to take an acquittal or refusal for the same, and on the tender of the sum awarded to the party entitled to receive the same, or to his, her or their agent or attorney, it shall be lawful for said Company, by its President and directors, or their agent, to enter upon and take possession of and use any such lands, stone, timber and other materials, but all the costs and expenses incurred by said writ of *ad quod damnum* and inquest be paid by the President and Directors of said Company: *Provided*, That the appraisers shall not be allowed more than one dollar each per day while engaged in such duties, and the Justice of the Peace and Sheriff such fees as are usual in similar cases.

Writ of *ad quod damnum*.

Justice of the Peace or Sheriff duty of.

Costs.

Fees.

SEC. 12. *Be it further enacted*, That all property so assessed

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Property vested

and paid for by the President and Directors of said Company, or its agents, agreeably to this act, and all donations made to and for the same, shall forever afterwards belong to and become the property of said Company, its successors and assigns, in fee simple, in proportion to the number of shares owned by the Stockholders respectively.

Transfer of interest in Co'y.

SEC. 13. *Be it further enacted*, That any shareholder of said Company may and shall have the right to sell, dispose of and transfer his, her or their interest in the same, or any part thereof, to any other person or persons or corporations, which said transfer shall not be binding unless entered upon the books of the Company; but the stock of said Company, and all other property belonging thereto, or which may from time to time be acquired by said Company, shall be held jointly and not separately: *Provided*, That nothing in this act contained shall be so construed as to prevent the profits and dividends which may be declared upon said stock being applied by each Stockholder to his, her or their individual purposes.

Proviso as to dividends.

Charges for transportation.

SEC. 14. *Be it further enacted*, That the President and Directors of said Company shall have the right to demand and receive such prices and sums for transportation by their own means, cars and carriages and other vehicles on said Railroad for passengers, produce, goods and all other articles whatsoever as may from time to time be authorized and fixed by the by-laws of said Company: *Provided*, That such prices and sums shall not be increased without at least sixty days previous notice thereof being given in some newspaper printed in the city of Marianna, Tallahassee and Apalachicola; and the said Company shall continue to receive such prices and sums for the transportation of passengers, produce, goods and all other articles whatsoever as may be prescribed by the by-laws of said Company, so long as the said Railroad shall be kept in operation and in good repair and condition; and the said Company shall be bound and held responsible for any damage said passengers, produce, goods and other articles, of whatsoever kind, may sustain in transporting the same on said Railroad, if it shall appear that the same was caused by reason of any negligence, carelessness or bad condition of the said Railroad, within the power of said Company or the agents and servants thereof to prevent and control, and all produce, goods and articles, of whatsoever kind, transported on said Railroad shall be liable for the rates of such transportation with which they may be chargeable, and may be detained until the same be paid and discharged, and if the same be not paid and such produce, goods and articles of whatsoever kind shall remain in the possession and custody of said Company for the space of three months, unless they may be perishable articles, they shall and may be sold at public auction, and, after expenses of transportation,

Notice of change of charges.

Damage to passengers.

Lien on articles transport'd for freight.

1860.

storage, and auction costs and commissions shall be paid, the remainder shall be paid to such person or persons, or corporation or their agents, who shall be entitled to receive the same: *Provided*, That when the said rates or charges have repaid to the Stockholders the full amount of the cost of the Railroad, together with all the expenses thereof, then it shall be the duty of said Company to arrange its charges that not more than twenty per centum per annum shall be received upon the whole amount of said stock, and the expenses thereon, and that if the rates so established shall not exceed twenty per centum as aforesaid, then the surplus to be paid to the State for the benefit of Common Schools.

Limit of profits.

SEC. 15. *Be it further enacted*, That if any person shall intrude upon said Railroad, or any part thereof, or upon the rights and privileges connected therewith, without the permission or contrary to the will of said Company, all the vehicles, articles, animals or locomotive power that may be so intrusively introduced or used thereon, may be seized by the Company so intruded upon, or its agents, or damages may be recovered by suit at law; and moreover, the person or persons so offending, shall be liable to be indicted as for a misdemeanor, and upon conviction in the Circuit Court of the district in which the offence shall have been committed, shall be fined in a sum not more than five hundred dollars nor less than fifty dollars; and if any person shall artfully and maliciously cause, aid or assist, or consult or advise any other person or persons to destroy or in any manner, or may hurt, damage, injure or obstruct said Railroad, or any part or portion thereof, or any edifice, vehicle, right or privilege granted and vested by this act, and constructed for use under the authority thereof, such person or persons so offending shall be liable to be indicted, and on conviction thereof, shall be imprisoned not more than twelve months and [not] less than one month, and pay a fine not exceeding five hundred dollars nor less than fifty dollars, at the discretion of the Court before which said conviction shall be had, and shall be further liable to pay all expenses for repairing the same, the one-half of the fines which may be imposed by the said Court and collected under this act, shall go to the informer, and the other half to the use of the common school fund: *Provided*, That the said Company shall in all cases be liable for costs in case of failure to convict or inability to pay of the person convicted.

Intrusion upon rights of Com'y

Intruders liable to indictment.

Obstructing road, punishment of.

Costs.

SEC. 16. *Be it further enacted*, That in addition to the powers and privileges conferred upon said Company, they shall be, and are hereby authorized and empowered to own and hold, or to hire and charter such and so many ships, vessels and boats, propelled by sails or steam, as they may deem necessary to connect

Company may own ships.

1860.

with the said Railroad, for the conveyance of mails, passengers and freight.

SEC. 17. *Be it further enacted*, That in the construction of said Road the Company shall be governed by the specifications contained in the sixth section of "an act to provide and encourage a liberal system of Internal Improvements in this State," as now amended, or as hereafter may be amended, with the exception of the ninth specification, which shall be so altered as to change the grade from forty-five feet to sixty feet per mile.

SEC. 18. *Be it further enacted*, That in so far as the route of said Railroad shall be within the line or routes laid down in section four of the act entitled an act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6th, 1855, the said Company shall be entitled to all the rights and benefits of the said act, and for the residue of the route of said Railroad not so embraced by the provisions of said section four, the alternate sections of the Swamp and Overflowed lands, for six miles on each side, shall become the property of said Railroad Company, in the mode and manner pointed out by the 29th section of the said above recited act.

SEC. 19. *Be it further enacted*, That said Company may issue bonds to the amount of thirty thousand dollars for a bridge across Chipola river; ten thousand dollars for a bridge crossing Dry Creek; twenty thousand dollars for a bridge crossing George's Bayo, and the said bonds shall be guaranteed and provided for in the same manner that the bonds for the bridges crossing Choctahatchee, Apalachicola, Nassau and Suwannee rivers are provided for in the "act to provide for and encourage a liberal system of Internal Improvements;" *Provided*, That said bonds shall not issue except in payment for work done, and then only as the work progresses, upon the certificate of one Engineer appointed by the Board of Internal Improvement, that such work has been done, and that the bonds issued as required for the payment thereof.

SEC. 20. *Be it further enacted*, That the President and Directors of said Company be required to make a full report to the Stockholders of said Company at their yearly meetings for the election of Directors, and the Directors shall have power to call a meeting of the Stockholders whenever the officers [affairs] of the Company, in their opinion, may render it expedient and requisite to call such meeting.

Passed the Senate February 7th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

Construction of
road.
Specifications.

Benefits of In.
Im. act.

Alternate sec-
tions of land
granted.

Bridge bonds.

Report of Presi-
dent & Direct's.

Meeting of
stockholders.

CHAPTER 1,154—[No. 61.]

AN ACT for the Charter of a Bridge across Bayou Texar in the County of Escambia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That William K. Hyer, James H. Clanton, Peter Knowles, Benjamin D. Wright, Thomas J. Judge, James Abercrombie, Jr., James G. Gilchrist and Henry Hyer, be, and they are hereby authorized to build and establish a Bridge across Bayou Texar, in the County of Escambia, for the term of twenty years from the passage of this act.

Corporators.

Bridge.

SEC. 2. *Be it further enacted,* That the said William K. Hyer, James H. Clanton, Peter Knowles, Benjamin D. Wright, Thomas J. Judge, James Abercrombie, Jr., James G. Gilchrist and Henry Hyer, their heirs and assigns, shall at all times keep a good and sufficient bridge to cross loaded wagons and teams, and shall receive such rates of toll as shall or may be established by the Board of County Commissioners of Escambia County.

Rates of toll.

SEC. 3. *Be it further enacted,* That if the said Wm. K. Hyer, James H. Clanton, Peter Knowles, Benjamin D. Wright, Thomas J. Judge, James Abercrombie, Jr., James G. Gilchrist and Henry Hyer, their heirs or assigns, shall fail to build and erect the said Bridge within twelve months after the passage of this act, then the rights and privileges hereby granted shall cease and determine, and shall become null and void.

Failure to build bridge.

SEC. 4. *Be it further enacted,* That no person or persons shall be allowed or authorized to establish a ferry or bridge within three miles of said bridge.

Exclusive right

Passed the Senate November 30, 1860. Passed the House of Representatives December 1, 1860. Approved by the Governor December 1, 1860.

CHAPTER 1,155—[No. 62.]

AN ACT to incorporate the town of Campbellton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all free white male inhabitants of the age of twenty-one years and upwards, comprehended within the following limits, that is to say, within one mile of the centre of the Public Square in the Town of Campbellton, of the County of Jackson, in every

Limits.

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Body corporate.
Name.Corporate pow-
ers.Government of
town.Qualification of
voters.Election for
town officers.Clerk and Trea-
surer.

Ordinances.

Power of Coun-
cil.Publication of
ordinances.

direction, shall be, and they are hereby constituted a body corporate by the name of the Town of Campbellton; and by that name may sue and be sued, plead and be impleaded, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said Town, and may do all other acts as natural persons.

SEC. 2. *Be it further enacted*, That the government of said Town shall be vested in a Mayor and six Aldermen, to be called the "Campbellton Council," who shall be qualified voters of the said Town, and shall hold their respective offices for twelve months from their election, and until their successors are elected and qualified.

SEC. 3. *Be it further enacted*, That all free white male citizens of the State of Florida, who shall have resided in the limits of said Town three months next before any election, shall be entitled to vote, and all voting shall be by ballot.

SEC. 4. *Be it further enacted*, That it shall be the duty of any Justice of the Peace of the first district of the County of Jackson, immediately after the passage of this Act, to appoint some early day for an election for Mayor, Aldermen and Marshal for said Town; and to appoint three Inspectors, and give by advertisement ten days notice of the same, and upon failure to do so by said Justice of the Peace, any qualified voter of said Town may perform said duty.

SEC. 5. *Be it further enacted*, That said Council shall have power to elect a Clerk, who shall also be Treasurer, who shall, together with the marshal elected, receive such compensation for their services as the Council shall allow, and shall be required to give bond and security for such sum as the Council may prescribe.

SEC. 6. *Be it further enacted*, That the said Council shall have power to pass all ordinances necessary for the government of said Town, and all by-laws requisite for the government of said Council, to prevent and remove nuisances, to prevent gaming, to regulate markets, to establish and regulate patrols, to prevent the sale of and the introduction for sale of spiritous or vinous liquors within the limits of said Town, except for medicinal purposes; to punish vagabonds, drunkards or disorderly persons, to keep in order the streets and public roads within the limits of said town, to erect buildings and make improvements in said Town, to impose taxes upon any persons or things taxable under the laws of the State of Florida, and to provide for the collection thereof; to impose and appropriate fines and penalties for breaches of the ordinances of the Town, and to provide for the general internal policy and good government of the Town.

SEC. 7. *Be it further enacted*, That all ordinances shall be signed by the Mayor, attested by the Clerk, and posted at two or

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more public places within said Town for ten days before they shall become a law.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Mayor to see that the ordinances of the Town are faithfully executed, and to call meetings of the Council whenever he may deem it necessary; that whenever any violation of an ordinance shall come to his knowledge, he shall issue a process directed to the marshal of the Town of Campbellton to arrest and bring before him the person or persons charged with the offence, and shall have power to determine from the evidence as to the guilt or innocence of the offender; he shall have power to issue subpoena to compel the attendance of witnesses for and against the offender, and impose fines for the violation of any ordinance, not to exceed twenty-five dollars, or to imprison for a term not exceeding one month.

Powers and duties of the Mayor.

SEC. 9. *Be it further enacted*, That ten days previous to the expiration of the term of office of the Mayor, Aldermen and Marshal of said Town, the mayor shall issue a notice and have the same posted at two or more public places within said Town that an election will be held within said Town of Campbellton, on a day to be named in said notice, for Mayor, six Aldermen and a Marshal for the ensuing year, and to appoint three legal voters of said Town to act as inspectors at said election, any two of whom shall have power to act, canvass the votes and certify the same to the Mayor.

Notice of election

Inspectors.

SEC. 10. *Be it further enacted*, That upon the non-payment of any tax or fine, the Mayor shall issue an execution, directed to the Marshal, to seize and take into his possession any property belonging to such defaulter, and after giving twenty days notice at two or more public places within the limits of said Town, proceed to sell so much of the same as will be sufficient to pay said tax or fine, together with the costs of such process; said sales shall be on the second Monday of every month.

Non-payment of tax or fine.

SEC. 11. *Be it further enacted*, That all vacancies which may or shall occur of Mayor, Councilmen or Marshal, shall be filled as provided for in cases of election in section 9 of this act.

Vacancies.

SEC. 12. *Be it further enacted*, That should a vacancy occur in the office of Mayor, the Council shall have the power to elect one of their body as Mayor, who shall discharge the duties thereof until an election to fill such vacancy shall have been held.

Vacancy in the office of Mayor.

SEC. 13. *Be it further enacted*, That organization or incorporation of said Town under the General Act of Incorporations passed by the General Assembly in 1846, be, and the same is abolished, and that said Act is hereby declared not to apply or be in force as to the town of Campbellton.

General act of incorporation not applicable.

Passed the House of Representatives January 19th, 1861. Passed the Senate January 26th, 1861. Approved by the Governor February 2d, 1861.

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CHAPTER 1,156—[No. 63.]

AN ACT to incorporate the Town of Monticello.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all free white male inhabitants over the age of twenty-one years, comprehended within the following limits, that is to say, one mile square including the Court House of Jefferson county, in the centre thereof, be and they are hereby constituted a body corporate, by the name of the Town of Monticello, and by that name may sue and be sued, plead and be impleaded, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said Town, and may do all other acts as natural persons.

Limits.

Body corporate,

Corporate powers.

Government of town.

SEC. 2. *Be it further enacted,* That the government of said Town shall be vested in a Town Council, consisting of a Mayor and four Councilmen, each of whom shall have resided twelve months within the limits aforesaid, and shall hold their offices for twelve months from their election, and until their successors are elected and qualified.

Citizens.

SEC. 3. *Be it further enacted,* That all free white male inhabitants of said Town, who shall have resided in the limits thereof six months next, before any election, shall be entitled to vote, and all voting shall be by ballot.

Election.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Judge of Probate of Jefferson county to appoint some early day for an election of Mayor and four Councilmen for said Town, and to appoint three inspectors to conduct said election, who shall be governed by the same rules of conducting elections and making returns as in other cases.

Town Marshal.

SEC. 5. *Be it further enacted,* That said Council and Mayor shall have power to elect a Town Marshal, who shall be required to give bond and security for the faithful performance of his duty, in such sum as the Council may prescribe. It shall be the duty of the Marshal to execute all writs and process which may be issued against persons for the violation of the laws of the corporation, and to arrest on view all persons who may violate such laws, and to collect all fines, forfeitures and penalties which may be assessed or recovered for the use of the corporation.

Duties.

Powers of Council, Ordinances, &c.

SEC. 6. *Be it further enacted,* That the said Council shall have power to pass all ordinances necessary for the proper government of said town and for the preservation of the public peace, health and morals, and all by-laws requisite for the government of said Council, to prevent and remove nuisances, to prevent

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gaming, to regulate markets, to establish and regulate patrols, to punish vagabonds and drunken and disorderly persons, to prevent horses or other animals from running at large in said town, to appoint public weighers of cotton and regulate their fees, to provide for licensing and taxing public shows, bars and restaurants, billiard tables, nine or ten-pin alleys, to keep in order the streets or public roads within the limits of the town, to erect buildings and make improvements in said town, to impose taxes upon any person or thing taxable by the laws of the State and to provide for the collection thereof, to impose and appropriate fines and penalties for breaches of the ordinances of the town, to fix and allow to its officers and members such compensation as they may think proper, and to provide for the general internal police and good government of the town.

SEC. 7. *Be it further enacted*, That all ordinances shall be signed by the Mayor and shall be advertised for ten days on the Court House door, or in a newspaper published in said town, before going into effect.

Ordinances,
publication of.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Mayor to see that the ordinances of the town are faithfully executed and to preside at the meetings of the Council. He may compel the attendance of witnesses for or against any person brought before him by subpoena and attachment, and impose such fines, and imprison in the county jail for such term as the ordinances of the corporation shall prescribe: *Provided*, That no fine for any one offence shall exceed one hundred dollars or imprisonment more than thirty days.

Duties of the
Mayor.

Fine and im-
prisonment li-
mited.

SEC. 9. *Be it further enacted*, That upon the non-payment of any tax or fines, any property sufficient to pay the same belonging to the defaulter may be seized and sold by the Marshal upon his giving twenty days notice on the door of the Court House, such sale to be on the first Monday in any month.

Non-payment
of tax or fine.

SEC. 10. *Be it further enacted*, That the Council shall have power to fill vacancies therein occurring by appointment until the next regular election.

Vacancies.

SEC. 11. *Be it further enacted*, That ten days previous to the expiration of the term of office of the Mayor and Councilmen, the Mayor shall cause a notice to be posted on the door of the Court House that an election will be held in the Court House, on a day to be named in said notice, for Mayor and Councilmen for the ensuing year, and shall appoint three persons as inspectors.

Notice of elec-
tion.

Passed the House of Representatives January 30th, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 13th, 1861.

1860.

CHAPTER 1,157—[No. 64.]

AN ACT to amend an act to incorporate the Town of Marianna, approved January 8th, 1853.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the town Council of the town of Marianna, be and the same is hereby authorized and empowered to lay off or cause to be laid off, all the lands over which the corporate limits of said town are extended, by the act to which this is an amendment, into streets and lots, corresponding with the streets and lots of the original town; and to open all or any of the streets of the original town they may think proper, which have been closed up or obstructed: *Provided,* That nothing herein contained shall allow said Council to interfere with the main streets as laid off in that part of said town known as the survey made by James J. Pittman and the Peyton addition to the town of Marianna.

SEC. 2. *Be it further enacted,* That if any person or persons, owning or controlling the lands over which the corporate limits of said town have been extended, shall refuse to give the right of way to said town for the laying out an extension of the streets, as hereinbefore provided for, and said person or persons shall fail to agree with the authorities of said town as to the damages sustained or may be sustained by said person or persons in consequence of the extension of said streets through his, her or their lands, then and in that case it shall be the duty of the Clerk of the Circuit Court, in and for the county of Jackson, upon the application of the Mayor of said town, or the party or parties feeling aggrieved, to issue a writ of *ad quod damnum* directed to the Sheriff of said county, requiring him to summon a jury of five discreet free-holders, living without said town, to view the premises and assess the damages, if in their opinion any has occurred, to the person or persons through whose lands said streets may be extended; and such damages as said jury shall award, shall be paid by the town of Marianna, together with such other expenses as may accrue in summoning said jury: *Provided,* Said jury award no damages, all the expense of summoning them shall be paid by the person or persons through whose land said streets are extended, and that the compensation to the Sheriff and jury shall be fixed by the Marianna Council: *Provided,* That nothing herein contained shall authorize the laying out and extension of streets as hereinbefore provided for, so as to disturb any dwelling, kitchen or smoke house upon any lot within the limits of said corporation, without the consent of the owner and the payment of damages as herein provided.

Town Council
authorized to
lay off lots and
open streets.

Proviso.

Writ of *ad quod
damnum*.

Damages.

Costs.

Proviso as to
disturbance of
dwelling, &c.

1860.

Ordinances and
pow'rs of Coun-
cil.

SEC. 3. *Be it further enacted*, That the Marianna Council shall have power to make, ordain, establish and execute, for the government of the town of Marianna, such ordinances in writing and such by-laws for their own government, not inconsistent with the Laws or Constitution of this State, provided a majority of the Council assent thereto, as they shall deem necessary, to define, prevent and remove, or abate all public nuisances, to restrain and prevent gambling and other disorderly conduct; to prevent the running at large of horses, cattle, hogs, goats, sheep and dogs, without a license, or the indecent exhibition of jackasses, stallions, or other animals, and regulate the speed at which horses, mules, cattle and other animals shall be driven through the streets of said town; to license public shows, concerts, restaurants, billiard tables, ten or nine pin alleys, hawkers and pedlars, within the corporate limits of said town; to establish and regulate markets, to sink and keep in repair public wells, to open and keep in repair all streets, alleys, commons, parks, squares and grounds, to prevent and punish assaults, batterys, affrays, loud and indecent language; swearing and cursing, and all other criminal offences classed as misdemeanors by the laws of the State of Florida; and to empower the Mayor of said town, in case all felonies committed in the corporate limits of said town, to cause the perpetrator of the same to be arrested and bound over for appearance to the Circuit Court of Jackson county; to keep the burial ground in good repair, to license retailers of spiritous liquors, to open streets and make side walks: *Provided*, That one-half the expense of said walks shall be assessed upon the lot or lots in front of which any side walk shall be made, and to remove all obstructions from said side walks; to establish a city watch, to organize and provide a fire department, and regulate the same, so as to protect the said city from fires; to license drays, carts, wagons and omnibuses, or other vehicle, and to fix the numbers thereof and the rate of compensation; to establish and regulate public schools, academies and hospitals, and for this purpose to purchase real estate or have it condemned as in cases of extending streets hereinbefore provided for, and in conjunction with the County Commissioners of Jackson county to establish rules and regulations respecting the poor, indigent, infirm and insane persons, and provide for their care and support, and fix the conditions upon which such persons, coming into said town, shall be permitted to remain; to make quarantine or other regulations for the prevention of the introduction or spread of contagious diseases within said town; to punish or expel all vagrants, idle, vicious or suspicious persons; to provide for the punishment of all who may at any time disturb the peace of said town, or any proper public meeting therein; to regulate the salary of the Mayor and Aldermen, and the fees and compensation

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of all officers or employees of the Marianna Council, and to do or regulate any matter or thing that may tend to promote the peace, health, welfare, prosperity and morals of the town of Marianna. For carrying into effect the aforesaid powers, the Marianna Council shall have power to impose penalties for breaches of any of its ordinances, by fine or imprisonment, and enforce the same by attachment against the property or person of the delinquent or defender. All trials for breaches of ordinances shall be before the Mayor, and the Marshal is empowered, within the limits of said town, to arrest at sight and without warrant any person guilty of a breach of any ordinance, and may call any out to assist him. All persons arrested may be temporarily confined in jail or otherwise before trial, but shall have a speedy trial. All jail fees shall be assessed as cost, and paid by the party. All process of every kind issued by the Mayor, shall, if necessity requires, be executed by the Marshal as well out of the corporate limits of said town as in it: *Provided*, That there is no delay in executing the same after it comes to his hand.

Jail fees.

Taxation.

SEC. 4. *Be it further enacted*, That the Marianna Council shall have power to impose and appropriate taxes and provide for the collection thereof, and the subjects of taxation shall be any and all persons, real estate, slaves, goods and chattels, choses in action and things now subject to taxation under the several laws of this State, as well also any and all other subjects of taxation not mentioned as taxable under the several laws of this State; but the tax assessed shall not exceed two per cent. on the aforesaid value thereof, nor the poll tax that of the State tax in any one year, and said Marianna Council shall have full power to regulate the assessing and collection of any and all taxes they may impose.

Ordinances,
publication of.

SEC. 5. *Be it further enacted*, That all ordinances of the Marianna Council shall be signed by the Mayor and attested by the Clerk and advertised by publication in a newspaper printed in said town for two issues thereof, or posted on the Court House door for ten days.

Mayor's Court
regulations.

SEC. 6. *Be it further enacted*, That the Mayor of the town of Marianna shall and is hereby empowered to administer all oaths authorized by the laws of this State to be administered, and that an appeal shall be from the final decision of the Mayor of Marianna to the Circuit Court, as in other cases before Justices of the Peace, and under the same restrictions and limitations as are now prescribed by law, and that in all cases where free white persons are arrested and brought before the Mayor, they shall be entitled to demand a trial by a jury of any number not less than five nor more than seven, who shall be paid twenty-five cents each for serving in any one case, the cost of summoning them and their compensation to be taxed as cost in the case;

Trial by jury.

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and said Marianna Council shall by ordinance designate who shall perform street or road duty, but shall not require more than eight days from any one hand, and shall prescribe the mode of summoning all hands and the penalties for all defaulters, and how tried and how collected.

Street and road duty.

SEC. 7. *Be it further enacted*, The Mayor shall in all cases determine the kind and extent of punishment which shall be inflicted under the ordinances, juries only seeing whether the party is guilty or not guilty.

Mayor to determine punishment for offences.

Passed the House of Representatives February 4th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,158—[No. 65.]

AN ACT to amend the Charter of the city of Fernandina.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the election of all the city officers of the city of Fernandina, heretofore vested in the people, shall, on the expiration of the terms of the present incumbents, be vested in the City Council, who shall also have power to remove the present or any future term of officers at their discretion.

City Council empowered to elect officers.

SEC. 2. *Be it further enacted*, That the said City Council shall have power to establish markets and prohibit the sale of meats, fish, vegetables or fruits at any point other than the said markets,

Markets.

SEC. 3. *Be it further enacted*, That the said City Council shall have power to purchase or otherwise acquire all real estate necessary for their purposes, to build the necessary public buildings and generally to do and perform such things for the promotion of the good order and quietness of said town of Fernandina and the comfort and health of its inhabitants as are usually done and performed by the constituted authorities of other incorporated towns in this State, and which are not inconsistent with the Constitution and laws thereof.

City Council may purchase real estate.

Powers of Council.

SEC. 4. *Be it further enacted*, That whenever any person who shall be sentenced to pay any fine by the Mayor and Council of said town, or either of them, and shall refuse to pay the same, it shall and may be lawful for said Mayor to compel the said person to work upon the public streets of said town for a time sufficient to pay the said fine and costs, at the rate of one dollar per day: *Provided, however*, No charge shall be made against said

Persons failing to pay fine.

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criminals for board during the time the said work is being performed.

Paupers.

SEC. 5. *Be it further enacted*, That the said Mayor and Council shall also have power, by ordinance, to prevent any vessel from landing any pauper within the limits of said town, and when any pauper shall be so landed or shall come within the limits of said town, the said Mayor and Council may provide for their prompt removal and punishment in case of their return or refusal to go.

Taxation.

SEC. 6. *Be it further enacted*, That so much of the proviso to the 26th section of the charter of said city of Fernandina as limits the tax upon real and personal estate to fifty cents on the one hundred dollars, shall not be held or deemed to apply to any special tax levied on the owner of any lot for the purpose of improving the streets and side-walks adjoining the same.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,159—[No. 66.]

AN ACT to incorporate the German Saving and Building Association.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That William Grothe, Morris Keil, Charles Pretting, Robert Williams, Henry Witschen, and several others as they may associate with them, not to exceed in amount one hundred, their heirs, successors, and assigns, shall be a body politic and corporate under the name and style of Jacksonville German Saving and Building Association.

Name.

Corporate powers.

SEC. 2. *Be it further enacted*, That in addition to the several powers and privileges incident to a body politic and corporate, the said association shall be capable in law to purchase, receive, retain and enjoy, to them and their successors and assigns, lands and tenements, goods, chattels and effects of whatsoever the same may be, and to grant, sell, mortgage, and dispose of the same, to sue and be sued, plead and be impleaded, to make a common seal, and at pleasure to break or alter the same, to ordain and establish and put in execution such by-laws and regulations as may be deemed necessary and expedient for the government of said Association, not being contrary to the Constitution of the State of Florida.

By-laws.

President and Directors.

SEC. 3. *Be it further enacted*, That the corporation of said association shall be exercised by a President and such Directors

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and other officers as said association may deem proper to ordain and establish.

SEC. 4. *Be it further enacted*, That it shall be the duty of the corporators named in this act, or a majority of them, within three months after the passage of this act, to proceed to organize said association by the election of such President, Directors and other officers, who shall hold their respective offices for the period of one year, and until their successors shall be elected and qualified; and that any three of the corporators hereinbefore named may call the first meeting by advertising the same for two successive weeks in some public journal in the city of Jacksonville.

Organization.

Meeting of Corporators.

Capital stock.

SEC. 5. *Be it further enacted*, That the capital stock of said association shall not exceed the sum of fifty thousand dollars, to be divided into such shares as said association or a majority of them shall establish, or raised by such subscription or dues as said association or a majority of them may by their by-laws require to be paid by their members, the objects and purposes of which is to create a fund for the material and mutual benefit of said members, to be invested more particularly in the purchase of real estate, building and letting of houses, and if while real estate, houses or other property, said association may cause to be insured, against any risk by fire or other danger, when they shall deem expedient.

Fund, object of.

SEC. 6. *Be it further enacted*, That this act shall take effect immediately after its passage and continue in force ten years and no longer, unless authorized by the legislature of this State.

Limitation.

Passed the House of Representatives January 26th, 1861. Passed the Senate February 6th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,160—[No. 67.]

AN ACT to charter the Southern Export and Import Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That W. S. Harris, B. Hopkins, G. C. Gibbs and E. T. Paine, in behalf of themselves and such others as now or hereafter may be associated with them for the purpose of establishing a direct trade between the State of Florida and foreign countries, are hereby constituted a body corporate and politic, by the name, style and title of Southern Export and Import Company, with a capital of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the capital to one million dollars.

Corporators.

Purposes of Corporation.

Capital stock.

1860.

Directors.

Subscriptions.

Stockholders
responsible.

Officers.

By-laws.

Corporate pow-
ers.

Votes.

May acquire
property.Corporate pow-
ers.

Contracts.

SEC. 2. *Be it further enacted*, That the persons before named shall be and they are hereby constituted Directors of said Company, with the power of appointing and electing officers, agents and clerks, until an election can conveniently take place under this charter, and they, the said Company, are hereby authorized and empowered to take up, by subscription, at such times and places as they may hereafter deem expedient, either the whole or any part of said capital, with such penalties for enforcing the payment of the subscriptions thereto as by their by-laws a majority of them shall prescribe, not inconsistent with the Constitution and laws of the State of Florida: *Provided*, Said Company shall not go into operation until one-fourth of the capital stock shall have been subscribed, and that each Stockholder shall be legally responsible to the amount of his stock individually to creditors.

SEC. 3. *Be it further enacted*, That the said Company shall have such number and succession of officers and members as shall be ordained and chosen by the rules and by-laws made or to be made for the government and direction, and shall have power to make all by-laws, rules and regulations which a majority of them may deem proper, not repugnant to the laws of the land, to sue and be sued, to plead and to be impleaded in any Court of law or equity in this State, and shall have a common seal, with power to change and alter the same as often as they may deem it expedient, and shall have and enjoy all and every right and privilege incidental and belonging to corporate bodies, according to the laws of this State.

SEC. 4. *Be it further enacted*, That in all elections and upon any other subject or question, except when restrained by the by-laws, every Stockholder shall be entitled to as many votes as he or she shall have shares, and such Stockholders as may be absent from any meeting shall be entitled to vote by proxy.

SEC. 5. *Be it further enacted*, That the said Company shall be able and competent in law and equity to have, hold and enjoy, and shall have power to change and convey such real and personal estate as they may deem proper in any way to acquire, as may be necessary for the transaction of their business.

SEC. 6. *Be it further enacted*, That said Company shall have power to make contracts, advance money on produce shipped to foreign ports, purchase and sell on commission foreign wares, goods and merchandize on commission, draw bills of exchange and to transact and perform all the business relating to the objects aforesaid, according to the usages or custom of commission merchants. All contracts for the same shall be signed by such person or persons and with such ceremonies of authority as by their rules and by-laws ordained and appointed, and by such contracts their said capital stock shall be effectually bound and

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pledged to creditors in their individual stock subscribed for by them: *Provided, however,* That nothing in this act shall be so construed as to grant to said corporation banking privileges.

SEC. 7. *Be it further enacted,* That this act shall continue and be in force for twenty years and shall be deemed a public act, and the Courts of this State shall take judicial notice thereof, without special pleading.

SEC. 8. *Be it further enacted,* That on the expiration or dissolution of the said Company, the estate thereunto belonging shall not escheat but be vested in the several members of the said Company, in proportion to their several and respective shares in the capital stock aforesaid, after the payment of the debts of the said Company.

Passed the Senate January 9th, 1861. Passed, the House of Representatives January 24th, 1861. Approved by the Governor February 2d, 1861.

Proviso.

Limitation.

¶ Courts shall take notice of this act.

Dissolution.

CHAPTER 1,161—[No. 68.]

AN ACT to incorporate the Marine and Fire Insurance Company of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That there shall be established in the city of Pensacola a Marine and Fire Insurance Company, which shall be a body politic and corporate, to be called the Marine and Fire Insurance Company of Pensacola, and by that name to be entitled to sue and be sued, plead and be impleaded, to adopt a common seal, and at pleasure to alter or break the same, and otherwise to have and enjoy all the rights, privileges and immunities of a body politic and corporate.

Company established.

¶ Name and corporate powers.

SEC. 2. *Be it further enacted,* That the capital stock of said Company shall be two hundred and fifty thousand dollars. That the said capital stock shall be divided into shares of one hundred dollars each, and books of subscription shall be opened for the same at the city of Pensacola, under the superintendence and control of Thomas J. Judge, James Abercrombie, jr., Charles L. LeBarron, Richard L. Campbell and William H. Judah, any three of whom shall be authorized to act in the premises. That the above named persons acting as Commissioners, previous to opening the said books, shall give ten days notice by advertisement inserted in some newspaper published in the city of Pensacola, of the time and place of opening the same, and the said books shall be kept open for the space of thirty days at least, and if, at the expiration of that time, it shall be ascertained that

Capital stock.

¶ Books of subscription.

Commissioners

Notice.

1860.

Excess of subscription.

there has been an excess of subscription, the said Commissioners shall be authorized to make a just and equitable apportionment of the same amongst the respective subscribers.

Meeting of subscribers.

President and Directors.

SEC. 3. *Be it further enacted*, That whenever fifty thousand dollars of the capital stock shall have been subscribed, the said Commissioners or such of them as shall have superintended the opening of the books, shall give at least ten days notice in some newspaper published in the city of Pensacola of the closing of the books of subscription, and shall also call a general meeting of the subscribers to the stock of said Company, which meeting shall be held in the city of Pensacola, and the subscribers present representing a majority of the shares subscribed shall then and there proceed to elect a board of Directors, to consist of five members, one of whom when so elected shall be chosen as President of the board of Directors by those thus elected Directors, and the corporation shall thenceforth be deemed and held to be fully organized.

Election of Directors, qualifications, &c.

Failure of election.

Election of President.

Votes.

SEC. 4. *Be it further enacted*, That the Board of Directors shall be annually chosen by the Stockholders in general meeting convened, at such time and place as they may by their by-laws direct, and each Director shall at the time of his election, and for the space of three months prior thereto, have been the bona fide owner in his own right of at least ten shares of the capital stock of said Company: *Provided*, That if from any cause the said election shall at any time fail to take place, the board of Directors then in office shall hold over and continue in office until their successors shall have been elected and duly installed; that the President of the board of Directors shall be elected by the Directors at their first meeting after the board shall have been organized, and shall continue to hold his office until his successor shall have been duly elected and have entered upon the duties of his office; that in all elections of Directors, and in all votes which may be taken upon any subject or proposition submitted to a general meeting of the Stockholders, each Stockholder shall be entitled to as many votes as he may own shares in the capital stock of the Company, but no one shall be entitled to vote who may be in arrears for any instalment which may have been required to have been paid upon his stock.

Election of Directors, &c.

Instalments.

Failure to pay instalments.

SEC. 5. *Be it further enacted*, That the Stockholders may regulate the place, time and mode for electing Directors, creating officers, prescribing their duties and compensation, and for fully organizing the board of Directors. The board of Directors shall have authority to prescribe the amount of each instalment to be paid on the stock subscribed, and may direct the time and place of payment. If any Stockholder shall fail or refuse to pay the amount of any instalment required to be paid, the board of Directors may, upon giving to said Stockholder thirty days notice

of such default, proceed to declare the shares of stock held by the said defaulter to be forfeited to the Company, without any abatement for any payments which may have theretofore been made on the same, or the board of Directors may, at their option, omit to declare the said forfeiture, and proceed by suit against the said defaulting Stockholder for the recovery of the said instalments.

SEC. 6. *Be it further enacted*, That in addition to the powers and privileges hereinbefore granted, the said corporation shall have the right to contract and be contracted with, to purchase and hold such real and personal estate as may be necessary to carry on the business and operations of said Company. To make insurance on vessels, freights, goods, wares, merchandize, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks, and risks for transportation and navigation; to make insurance on dwellings, houses, stores and all kinds of buildings, and upon household furniture, merchandize and other property against loss or damage by fire; to cause themselves to be re-imbursed when deemed expedient against any risks upon which they may have made or may make insurance, and further to do and perform all such acts as may be requisite and necessary in the management and control of a Marine and Fire Insurance Company: *Provided, however*, That this act shall in no wise be construed as investing said Company with banking privileges.

Objects & powers of Corporation.

Proviso.

SEC. 7. *Be it further enacted*, That the Stockholders shall have full power and authority to pass all by-laws, rules and regulations as may be requisite and necessary fully and effectually to carry out the provisions of this act and not inconsistent [with] the same.

By-laws.

SEC. 8. *Be it further enacted*, That this act shall take effect immediately after its passage, and continue in force twenty years and no longer, unless authorized by the Legislature of this State.

Limitation.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 5th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,162—[No. 69.]

AN ACT to incorporate the Hydrant Water Company of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Wm. H. Judah, Wm. H. Baker, C. L. LeBaron, Chas. Gingles, R. L. Campbell, John Pinney and James Abercrombie, Jr.,

Corporators.

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Body corporate.
Name and powers.

or such persons who may be hereafter their associates (not less than ten persons, five of whom at least shall be citizens of this State) in the ownership of the Hydrant Water Company of Pensacola, be and they are hereby constituted a body politic and corporate, by the name of the Hydrant Water Company of Pensacola, and as such may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended against in all manner of action or suits at law or in equity in any Court of this State, and may at their option have and use a common seal and the same to break, alter or renew at pleasure.

Officers.

By-laws.

SEC. 2. *Be it further enacted*, That said Company shall have power to appoint such Directors, President, Treasurer or other officers, to regulate and control the business affairs of said Company, as said Company may deem necessary and proper, and at such times as they may establish, and may make any by-laws and regulations for the management of said Company and its business as they may deem proper, not inconsistent with the Constitution and laws of this State.

Rules and regulations governing the use of water.

SEC. 3. *Be it further enacted*, That said Company may establish and ordain from time to time rules and regulations for the government of the use of water from their works, so far as respects the restraining the waste and illegal use thereof, and may recover penalties for the violation of said rules and regulations, so that such penalty shall not in any case exceed five dollars, which penalties may be recovered with costs in the name of the Company, before any Justice of the Peace in said city or the county in which the defendant resides; said rules and regulations shall be published in two or more newspapers in said city of Pensacola for at least thirty days in every year during the continuance of the same, and a copy of the same, certified by the President or other executive officer of said Company, with his affidavit of publication aforesaid, shall be received in evidence in said Courts in any case in which said Company shall be a party, and the defendant shall have the right of denying the charge made by the Company under oath in writing, and the Justice of the Peace shall decide according to the weight and credibility of the witnesses.

Persons injuring works of Company.

SEC. 4. *Be it further enacted*, That any person who shall wilfully or maliciously injure or destroy any of the works or property of said Company, or who shall wilfully or maliciously commit any act which shall injuriously affect or tend to affect the water of said Company, shall be guilty of a misdemeanor, and, on conviction thereof, shall be subject to a fine of not less than fifty nor more than one thousand dollars, at the discretion of the Court, and shall be liable to said Company for damages on the civil side of the Court in an action of trespass on the case.

Penalty.

Capital stock.

SEC. 5. *Be it further enacted*, That the capital stock of said

1860.

Company shall be two hundred thousand dollars, to be divided into shares of twenty-five dollars each; that said Company may commence operations when the sum of twenty thousand dollars is subscribed, and this act shall be in force from the passage thereof and continue to exist for and during the time and term of twenty years.

Limitation.

Passed the Senate January 31st, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,163—[No. 70.]

AN ACT to incorporate the Pensacola Gas Light Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That William H. Judah, W. E. Anderson, C. L. LeBaron, R. L. Campbell, John ———, James Abercrombie, jr., William Hyer and James W. Hall, and their associates, and not less than ten, of whom at least five shall be residents of this State, subscribers to the capital stock of the association, intended to be hereby incorporated, and their successors, be and they are hereby made and declared to be a body corporate and politic, in deed and in law, by the name and style of the Pensacola Gas Light Company, and as such, shall have power to adopt, make and use a common seal, and the same at their pleasure to alter and renew; to make and execute such by-laws, rules and regulations, not repugnant to the laws of the State, as they may deem necessary or convenient for the government of the corporation; to have perpetual succession of members and officers, conformably to such by-laws, rules and regulations; to sue and be sued, to plead and be impleaded, in any Court of Law or Equity; to purchase, receive and hold lands, tenements, goods and chattels, and the same to sell, convey and assign, and generally to have, exercise and enjoy all such rights and privileges, and be subject to all such liabilities as are incident to bodies politic and corporate.

Corporators.

Body corporate.

Corporate powers.

SEC. 2. *Be it further enacted,* That the said corporation shall have full power and authority to manufacture and sell Gas, to be made of coal, rosin or other materials, for lighting the streets, public and private buildings, and other places in the city of Pensacola, and shall be and is hereby authorized and empowered to lay down in any and [all] of the streets, avenues, alleys, squares and public grounds of said city, Gas Pipes and other apparatus for conducting Gas through the same, and to erect therein such

Objects and powers of corporation.

1860.

Proviso as to
obstruction of
streets.

Gas Posts, Burners and Regulators as may be necessary or convenient: *Provided*, That the public track shall at no time be interrupted or impeded by the laying down or erection thereof, and that the said streets, lanes, avenues, alleys, squares and public grounds shall not be thereby injured, but shall be kept in as good state and condition as they were before the laying down of said pipes, conductors or other apparatus, and the erection of said posts.

Capital stock
and shares.

SEC. 3. *Be it further enacted*, That the capital of said corporation shall be divided into shares of twenty-five dollars each, and transferable only on the transfer book of the Company, and until such transfer is regularly made thereon, shall be held bound and liable for all debts due and owing to the corporation by the holder thereof, and by order of the Directors, in conformity to such by-laws as the Stockholders may adopt in relation thereto, may be sold at public auction for the purpose of paying any debt or debts due by the individual Stockholders to the Company, they accounting to the Stockholders for any surplus of the proceeds of said sales remaining after the payment of such debt or debts.

May be sold.

Directors.

SEC. 4. *Be it further enacted*, That the affairs of said corporation shall be managed by a Board of five Directors, to be elected annually on such day as may be fixed by the by-laws of the Company, of whom one shall be elected to preside over the Board, to be known as, and to discharge the duties of President of said corporation; and that at all elections of directors, and in all matters of the Stockholders, each Stockholder shall be entitled to one vote for each share of stock standing in his or her name, and said stock may be represented by the attorney or proxy of the Stockholder.

President.

Votes.

Failure of elec-
tion.

SEC. 5. *Be it further enacted*, That if at any time an election of Directors should not take place on the day appointed by the by-laws, the corporation shall not be dissolved for that cause, but the Directors previously elected shall continue to exercise, as heretofore, the functions of their office as such, until others are elected in conformity to the by-laws.

Penalty for in-
juring works.

SEC. 6. *Be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whereby to injure any pipe, conductor, cock, meter, machine, or other thing whatever appertaining to the Gas Works of said Company, whereby the same may be stopped, obstructed or injured, the person or persons so offending, shall be considered guilty of and indicted as a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment in the common jail not exceeding sixty days, or by both fine and imprisonment not exceeding the said sum and time being; and such criminal prosecution shall in nowise impair the right of action for damage, which the said Company is here-

Damages.

by authorized to institute in any Court having cognizance and jurisdiction of the same.

SEC. 7. *Be it further enacted*, That the charter of incorporation of said Company shall expire from and after twenty years from the passage of this act.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 5th, 1861. Approved by the Governor February 8th, 1861.

1860.

Limitation.

CHAPTER 1,164—[No. 71.]

AN ACT to incorporate the Florida Mutual Fire and Marine Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That there shall be established, in the city of Pensacola, an Insurance Company, which shall be a body politic and corporate, to be composed of not less than ten persons, five of whom at least shall be citizens of this State, and to be called the Florida Mutual Fire and Marine Insurance Company, of which James S. Jones, James Houseman, Philip A. Caro, and such persons as they may associate with themselves (under) as trustees, not less than twelve in all, shall be the first trustees.

Body corporate established.

Name.

Trustees.

SEC. 2. *Be it further enacted*, That the said body corporate and politic shall be possessed, in their own name and in the name of their successors and assigns, of all the powers, privileges and franchises incident to a corporation. The said corporation may sue and be sued, contract and be contracted with, pass such by-laws as it may deem necessary for its proper management, have and use a seal and do all other acts which a body corporate and politic may do, and, in addition thereto, the corporation hereby created shall have power, by instruments under seal or otherwise, to make insurance on vessels, freights, goods, wares, merchandize, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks and risks of transportation and navigation, to make insurance on dwellings, houses, stores and all kinds of buildings, and upon household furniture, merchandize and other property against loss or damage by fire, to make insurance on lives, to cause themselves to be reimbursed, when deemed expedient, against any or risks upon which they may have made or may make insurances.

Corporate powers.

Insurance.

Life insurance.

1860.

Board of Trustees.

President.

Terms of office.

Quorum.

By-laws.

Vacancies.

Books to be opened.

Organization.

Trustees to be divided into classes.

SEC. 3. *Be it further enacted*, That all the corporate powers of the said Company shall be exercised by a Board of Trustees, and such officers, clerks, agents and other persons as said trustees may from time to time appoint. The trustees shall be elected as hereinafter mentioned. It shall be their duty, on organizing the Company, to choose a President and Vice President to act until after the period for making the first dividend statement required by this act, and annually on the second Tuesday of February thereafter, who shall also ex-officio be trustees and are to have equal power with the other trustees in voting on all questions and determining all matters relating to the Company.

SEC. 4. *Be it further enacted*, That the Trustees, President and Vice President shall hold their respective offices for the periods herein named and until others are chosen in their stead; the secretary, clerks, agents and other persons during the pleasure of the Trustees.

SEC. 5. *Be it further enacted*, That the Board of Trustees shall have power, by by-laws, to declare from time to time what number of Trustees, less than a majority, shall be a quorum for transaction of business; but such quorum shall not be less than eleven of said Trustees, and also to make such other by-laws as may be deemed necessary for the government of the officers and conduct of their affairs.

SEC. 6. *Be it further enacted*, That vacancies happening in the Board of Trustees, or in the number of inspectors or officers, by death, resignation or continued absence from the State exceeding twelve months, may be filled for the remainder of the term by the Board of Trustees.

SEC. 7. *Be it further enacted*, That it shall be the duty of the eighteen (18) Trustees named in the first section of this act, or the duty of a majority of them, within one year after the passage of this act, to open a book to receive applications for insurances, and after receiving applications for insurances, to be approved by them, amounting to fifty thousand dollars, the book may be closed and the Company may be organized. It also shall be the duty of the said eighteen Trustees, or the duty of a majority of them, to appoint three inspectors of the first election.

SEC. 8. *Be it further enacted*, That the Board of Trustees shall divide themselves into four classes. The term of the first class shall expire on the 2d Monday in the month of March, after the period for making the first dividend statement required by this act, or as soon thereafter as others are selected in their stead. The term of the following class shall expire successively on the second Tuesday in March of the following years, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a Trustee.

SEC. 9. *Be it further enacted*, That notices of the annual

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Notice of elections.

election for Trustees to hold for four years and until others are elected, and for three inspectors of the next election, are to be given in one or more of the city papers, by an officer of the Company, one week prior to each annual election, to be held at such time and place as may be designated by the Board of Trustees, or by the President or Vice President in case of the omission of the Trustees to designate the same.

SEC. 10. *Be it further enacted*, That at every election for Trustees, when the certificates authorized to be issued under this act; as hereinbefore mentioned, do not amount to fifty thousand dollars, over and above the reductions thereon, each person having in his possession and producing at the polls a policy or policies of insurance not marked off, made by the Company between the first day of April and the thirty-first day of December of the year next preceding the election, directly in his own name, or in the name of a firm of which he is a partner, the premiums on which shall amount to one hundred dollars, shall be entitled to a vote; and in case the premiums on such policy or policies shall have exceeded one hundred dollars, such person shall be entitled to an additional vote for each one hundred dollars of such excess.

Qualification of electors.

SEC. 11. *Be it further enacted*, That each person having in possession and producing [at] the polls a certificate or certificates of earnings amounting to one hundred dollars, issued by the Company in his own name, or in the name of a firm of which he is a partner, which certificate of earnings shall not have been discharged by payments nor cancelled by losses and expenses, shall be entitled to a vote; and in case the certificate or certificates of earnings so produced shall exceed one hundred dollars, the holder thereof shall be entitled to an additional vote for each one hundred dollars of such excess. Persons may vote by proxy if the proxy is accompanied by the before-mentioned evidence of the right so to vote. One person only shall be allowed to vote at the same election on the same documents, and in case of a failure to elect, from the number of votes being equal, a new election is to be held to fill the undetermined places.

Who entitled to vote.

SEC. 12. *Be it further enacted*, That the Company, for the better security of its dealers, may receive notes for premiums in advance of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise in the course of its business, and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof, at the successive periods when the Company shall make up its annual statement, as hereinafter provided for, and on all new notes taken in advance thereafter, a compensation to the signers thereof, at a rate to be determined by the Trustees, but not exceeding five per cent. per annum, may be allowed and paid from time to time.

Notes for premiums.

1860.

Dividend statement.

Dividend.

Certificates.

Transferable.

Amount of certificate.

Persons indebted to Company.

Funds of Company, how invested.

SEC. 13. *Be it further enacted*, That no separate dividend statement shall be required for the part of a year following the day on which the Company shall have issued and dated its first policy, but after that period, an annual dividend statement shall be made, which shall contain a fair estimate of the net profits of the Company not before divided, up to and including the last day of December of each year, taking into view the probable amount to be paid on all claims and demands which have been or may be made against the Company, and allowing for any previous deficiencies; such annual statement shall be completed in the month of January succeeding the period to which it relates, and after ascertaining in this mode the net profits of each period in risks marked off, the Board of Trustees may declare a dividend, and the officers of the Company may issue certificates of a certain per centum on the premium received for such marked off risks to the persons in whose names the policies of insurance were originally made, or their representatives, which certificates may be issued as is hereafter provided for, and the amounts named in such certificates shall be conclusive on the parties entitled to receive them at such periods, and not to be changed by subsequent events, showing the actual payments to be more or less favorable than the estimate, and the said certificates shall be transferable only on the books of the Company, under regulations to be prescribed by the by-laws, and shall contain a proviso declaring the same to be subject to any future losses and expenses of the Company until the same are redeemed, as is hereinafter provided for, and subject to be reduced by the Board of Trustees in case of losses and expenses in any subsequent year exceeding the estimated profits of such year.

SEC. 14. *Be it further enacted*, That no original certificate shall be issued for a sum less than ten dollars, nor for the fractional sums between even tens of dollars; all such sums are to be placed to the contingent accounts of the Company.

SEC. 15. *Be it further enacted*, That in case any person or persons entitled to a certificate, shall be indebted to the Company for sums past due and unpaid, the Company may withhold the certificate and deduct the sum or sums from the amount thereof, or reduce or cancel the same; but persons insuring or entitled to certificates, shall not be answerable by reason thereof, or of anything contained therein, except for the payment of their premiums or other notes given in advance for premiums.

SEC. 16. *Be it further enacted*, That it shall be lawful for said Company to invest their funds or any part thereof in bonds or mortgages on unincumbered real estate within the State of Florida, worth fifty per cent. more than the sum loaned thereon; and also in all or any stocks created by or under the laws of this State, and to lend the same, or any part thereof, on the security

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of such stocks, and on bottomry, and respondentia, and otherwise, and to change and re-invest the same; and it shall be lawful for said Company from time to time to divide such part of the accruing interest as they may deem equitable, not exceeding six per cent. per annum, to and among the holders of such certificates; or in case of losses, to declare a *pro rata* deduction of the amount of the outstanding certificates; original certificates may be called in by the Company and new ones issued in their stead, less the proper deduction; all certificates and interest in the Company shall be deemed personal property.

Interest.

Certificates.

SEC. 17. *Be it further enacted*, That on the thirty-first day of December, of the second year after the day on which the first policy of the Company shall have been issued and bear date, or within one month thereafter, and on the thirty-first day of December, or within one month thereafter, of every subsequent year, the Company shall cause to be made a general balance statement of their affairs to the end of such year, which shall be published immediately thereafter in one newspaper in the city of Pensacola, containing 1st. the amount of premiums received during the first part of a year and the second year united, and each successive year specifying, what amount was received on policies on fire risks, and what amount was received on policies on marine risks, and what amount was received on policies on life risks. 2d. The amount of losses paid during the year, specifying the amount paid on policies on fire risks, and the amount paid on policies on marine and inland transportation risks, and the amount paid on policies on life risks. 3d. The balance remaining with the Company. 4th. The nature of security on which investments have been made, stating the amount invested in bonds and mortgages, and the amount invested in other securities, and the amount of premiums, notes and cash on hand, a copy of which statement shall be kept ready for the examination of the members.

Balance statement.

SEC. 18. *Be it further enacted*, That the per centage of profits accruing on the business of the Company, and the dividends which may be declared on the investment, are to be published for two months after each is declared in one of the public papers within this State.

Publication of dividends declared.

SEC. 19. *Be it further enacted*, That whenever the accumulation of the nett profits of the Company shall exceed one hundred thousand dollars, the excess may be applied from year to year, or semi-annually thereafter, towards the redemption of each years' certificates, in whole or in part, as may be determined on by the Board of Trustees; but the certificates of a subsequent year are not to be redeemed until those of the preceding are provided for; and when such accumulation shall exceed ten hundred thousand dollars, it shall be the duty of the Trustees to apply such

Net profits, how may be applied

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latter excess towards the redemption of certificates, in whole or in part, in the manner above specified.

SEC. 20. *Be it further enacted*, That the suits at law or in equity may be prosecuted and maintained by any member against said corporation, but no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

SEC. 21. *Be it further enacted*, That the said corporation shall not be allowed to take risks for more than three times the amount of the premium notes unpaid and the certificates of earnings outstanding. Citizens of other States may become members of this incorporation, and the liabilities of members for losses shall not exceed beyond or for more than the amount of their premium note and for the amount of certificate of earnings that may have been issued to them. The said Insurance Company shall be organized and allowed to commence business whenever the premium notes shall amount to the sum of fifty thousand dollars, and one-fifth of said notes are paid in cash. The said Company shall not be allowed to take risks for more than three times the amount of the premium notes, which may be increased until they amount to five hundred thousand dollars. Citizens of other States may be assured and become members of this Company, on their giving the usual premium notes. The earnings of said Company are not to be divided among the assured, until their actual capital shall amount to one hundred thousand dollars.

SEC. 22. *Be it further enacted*, That this act shall take effect immediately after its passage, and continue its force twenty years and no longer, unless authorized by the Legislature of this State.

Passed the Senate February 1st, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,165—[No. 72.]

AN ACT to incorporate an Insurance Company in the City of Apalachicola, to be called the Florida Home Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That there shall be established in the city of Apalachicola an Insurance Company, the capital stock of which shall be two millions of dollars, to be divided into shares of one hundred dollars each.

SEC. 2. *Be it further enacted*, That Thomas L. Mitchell, Thomas Orman, George Buckman, Charles Pratt, Richard G.

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Commissioners

Porter, Wm. T. Wood, Richard B. Watson, Robert Myers, Thomas H. Austin, Joseph L. Dunham, David G. Raney, Clinton J. Thigpin, Henry R. Simmons, Anson Hancock, Harry R. Taylor, John F. Hughes, Solomon Gump, John Myrick Gorrie, George Sinclair, and Marvin B. Avery, or any five of them, are hereby appointed Commissioners, whose duty it shall be, after advertising for thirty days in one or more of the city papers of the time and place of subscribing, at any time before the first day of May, 1861, to open in the city of Apalachicola a book and receive subscriptions for stock in said Company, which book shall be by them kept open until the sum of one hundred thousand dollars of stock is subscribed for; each subscriber shall at the time pay to the Commissioners one dollar upon every share subscribed for, and no person shall be allowed to subscribe for more than fifty shares of said stock, but this shall not prevent any person after the organization of said Company from owning more than fifty shares by purchase or otherwise.

Book of subscription.

Subscribers.

SEC. 3. *Be it further enacted*, That those who shall become subscribers for said stock as above mentioned, their successors and assigns, shall be, and they are hereby created and made a body politic by the name and style of The Florida Home Insurance Company, and by that name shall be, and are hereby made capable in law to have, purchase, receive, possess, and retain all such property as may be necessary to carry into effect the object of this act, to sue and be sued, to make and use a common seal, and break, alter and renew the same at pleasure, to ordain, establish and put into execution such by-laws, rules and regulations as shall seem necessary and convenient for the government of said corporation, not contrary to the laws and constitution of this State, and generally to do all acts and things as shall appertain to, or be necessary for the carrying into effect the objects and purposes of said corporation.

Body politic.

Corporate powers.

SEC. 4. *Be it further enacted*, That said Commissioners shall, immediately after as much as one hundred thousand dollars of the stock of the said corporation shall have been subscribed for and ten dollars per share paid to them, call a meeting of the Stockholders, and they, the Stockholders, shall proceed to organize said corporation by the election of not less than five nor more than eleven Directors, a majority of whom shall constitute a quorum, and the said Directors shall elect one of their number as President, after which said Commissioners shall turn over said books of subscription and money paid in, to said President and Directors, and said President and Directors shall annually, on the first day of May in each succeeding year, call a meeting of the Stockholders, first giving thirty day's notice thereof in the city papers, except the first day comes in on Sunday, and then the meeting shall be on the second day of May, at which time the

Meet'g of stockholders.

Directors.

President.

Day of meeting of stockholders.

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Stockholders shall elect Directors for the ensuing year, and the Directors shall elect a President.

Persons eligible as Directors.

Votes.

Officers and agents.

Vacancies.

Instalments.

Sale of stock at auction.

Dividends.

Holders of policies.

Objects and powers of corporation.

Life insurance.

Policies.

Funds of corporation.

SEC. 5. *Be it further enacted*, That the Directors and President shall be elected from the Stockholders in the said Company, and that no person shall be eligible as a Director except he own in his own right twenty shares of the stock of said Company, and further, that there shall be one vote for each share, and that absent stockholders may vote by proxy.

SEC. 6. *Be it further enacted*, That said President and Directors shall have power to appoint and remove at pleasure all officers or agents of said corporation; to prescribe their duties, take from them board for their faithful performance thereof; to fill any vacancies that may occur in their bond, and appoint a President "pro tem." in the absence of the President, and further that said President and Directors shall have power from time to time to call for the payment of the unpaid stock in such sums as they may deem proper, and said stock shall be considered and held as personal property; and upon the neglect or refusal of any Stockholder to pay the instalments on his stock as called for by the President and Directors thereupon, ten days notice being given in one or more of the city papers, said board may sell said stock at public outcry, and said delinquent Stockholder shall still remain liable for any balance due or which may become due by him to said corporation, and may be sued therefor in any Court having jurisdiction, and said President and Directors shall have further power to make dividends and fix the place and define the manner of paying the dividends, paying interest and transferring stock; and said President and Directors shall also have power to give the holders of the policies of said corporation the right to participate in the net profit of the corporation, to such extent, in such manner and upon such terms as they may deem proper.

SEC. 7. *Be it further enacted*, That said corporation shall have authority to insure against losses by fire on all kinds of property, either real or personal, or mixed or choses in action, also against all the hazards of ocean or inland navigation, and transportation of every kind, and also upon the duration of human life, for such premiums as it may determine; and said corporation shall be liable to make good and pay to the several persons who may insure in said corporation for the losses they may sustain, or for life insurance, in accordance only with the terms of the contract or policy issued by said corporation; and no policy or other contract of said corporation shall be binding except it be signed by the President and Secretary of said corporation; and said corporation shall have power to receive money on deposit, to loan and borrow money, to take and give such securities therefor as may be considered best, to invest its monies and transfer at pleasure, and do all other acts it may deem advisable

for the safe keeping and secure investment of its funds : *Provided*, That nothing herein contained shall be construed to authorize said corporation to make any note or bill to circulate as a bank bill, or to issue any security to be circulated as money ; and it is further enacted that said corporation shall have power and authority to make re-insurance of any risks that may be taken by them.

SEC. 8. *Be it further enacted*, That said corporation shall be responsible to its creditors to the extent of its property ; and the Stockholders shall be liable to its creditors to the extent of the amount of their respective stock not paid up, and the Stockholders shall be individually liable for the debts of the corporation, in proportion to the number of shares of stock owned by each.

SEC. 9. *Be it further enacted*, That this charter and all the privileges and powers herein granted, shall continue in force for the term of twenty years from the first of May, 1861.

SEC. 10. *Be it further enacted*, That all laws and parts of laws repugnant to this act be, and the same are hereby repealed.

Passed the House of Representatives February 7th, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

1860.

Proviso as to
circulat'g notes

Re-insurance.

Responsibility
of corporation
and stockhold-
ers.

Limitation.

Repeal.

CHAPTER 1,166—[No. 73.]

AN ACT to incorporate the La Villa Institute, near Jacksonville, Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Chandler S. Emory, Judge of Probate for Duval county, as ex-officio President, and Theodore Hartridge, Elias G. Jaudon, S. L. Robinson and J. McRobert Baker be and they are hereby declared to be a body corporate, under the name and style of the Board of Trustees of La Villa Institute.

SEC. 2. *Be it further enacted*, That each successor of the present Judge of Probate of Duval county shall be, by virtue of his office, the President of said Board of Trustees, and that any vacancies in said Board of Trustees, resulting from death, resignation or removal from the county of Duval, may and shall be filled by the remainder of said Board, or a majority of the same.

SEC. 3. *Be it further enacted*, That said Board of Trustees, as a corporate body, may have a common seal, and that the officers of the same shall consist of a President, as provided in section second, of a Secretary and Treasurer, and that the duties of said officers shall be such as are usually required of such officers in similar corporations.

Corporators.

Name.

Judge of Pro-
bate to be Pres-
ident of the B'd

Officers.

1860.

By-laws.

SEC. 4. *Be it further enacted*, That said Board of Trustees may adopt such by-laws and regulations as may be legal and proper for the furtherance of the objects and ends of the corporation.

Scholarship.

Proviso.

SEC. 5. *Be it further enacted*, That the Judge of Probate of the said county of Duval, by and with the consent of the County Commissioners of said county, may recommend and appoint to a scholarship in said Institution one scholar from each Common School District in the said county of Duval, and that the tuition of the said scholars so recommended and appointed shall be paid at the regular rates from and out of the school fund of the said county: *Provided*, That the said scholar, or his parent or guardian for him or her, if he or she shall be a minor, shall, in the first instance, enter into bond payable to and to be approved by the Judge of Probate of said county, that he or she, the scholar so appointed, will and shall take charge of or shall teach a school within the limits of said county for the same length of time that he or she shall have remained a scholar of the said Institution.

Selection of
teachers for
common sch'ls.

SEC. 6. *Be it further enacted*, That in the selection of teachers for the Common or District Schools of said county, other qualifications being duly considered, those who have been thus appointed scholars from the School Districts of said county, and who shall have attended regularly a course of study for one scholastic year at the said Institution, or who shall present certificates of good scholarship from the teachers of said Institution, shall be preferred and appointed as teachers of the several District Schools of said county in preference to other applicants.

Counties east of
the Suwannee
may appoint
pupil.

SEC. 7. *Be it further enacted*, That the Judge of Probate and the County Commissioners of any county of this State east of the Suwannee river, may in their discretion appoint to said Institution one pupil from each of said counties respectively, whose tuition shall be paid out of the common school fund for the said county from which said pupil may be so appointed: *Provided*, That the said pupils so appointed, or their parent or guardian for them, shall likewise enter into bond and security, payable to the Judge of Probate of the county from which said pupil may be appointed, conditioned that said pupil will take charge of and teach a public school in said county from which he may be so appointed, for the same length of time that said pupil shall attend the said Institution.

Conditions of
scholarship.

SEC. 8. *Be it further enacted*, That said pupils so attending said Institution shall be preferred, their other qualifications being equal, as teachers of the District Schools in their respective counties.

Exemption from
militia duty.

SEC. 9. *Be it further enacted*, That the teachers and the pupils

1860.

of the said Institute be and they are hereby exempted from militia duty, except in time of actual war or invasion.

SEC. 10. *Be it further enacted*, That whenever the number of male pupils in said Institution, over the age of fourteen, shall amount to a sufficient number, the teachers and pupils of said school may be organized into a volunteer company, under the command of the Principal, and that the said company shall be furnished with arms by the State, as are other volunteer companies in the State.

Volunteer company may be organized out of Institute.

SEC. 11. *Be it further enacted*, That a suitable uniform may be adopted for the pupils of said school, and such rules and regulations ordained for the government of the said pupils and the said company, as may be deemed necessary and essential to the preservation of good order and strict discipline.

SEC. 12. *Be it further enacted*, That the Principal of the Institution, with the advice and by the consent of the Board of Trustees, may give to scholars who have taken or who may take a regular course of study in said Institution, under the seal of the corporation, to be signed by the President and Secretary, certificates of proficiency or of good scholarship in such studies as they may have pursued.

Certificates of scholarship.

SEC. 13. *Be it further enacted*, That said Board of Trustees may, as a body corporate, sue or be sued, contract or be contracted with, using, when necessary, their corporate seal, and may do as such corporate board all things legal and necessary to be done in pursuance of the objects of their incorporation and for the purpose of building up and establishing upon a firm basis a public institution of learning of a high order and standard, at or near Jacksonville, in the said county of Duval.

Corporate powers.

SEC. 14. *Be it further enacted*, That all laws and parts of laws inconsistent and conflicting herewith, so far as they relate to this act, be and the same are hereby repealed.

Repeal.

Passed the Senate January 22d, 1861. Passed the House of Representatives January 31st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,167—[No. 74.]

AN ACT to incorporate the College of St. Augustine to be located at St. Augustine, Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Hon. James M. Baker, Hon. W. A. Forward, Col. Tillman Ingram, Edward Hale, Esq., Rev. W. J. McCormick, Col. James

Corporators.

1860.

Body corporate,
powers, &c.Departments of
instruction.

By-laws.

Corporation.

Powers.

Diplomas of
scholarship.Property of col-
lege.Meeting of
Trustees.

B. Dawkins, Col. St. George Rogers, Hon. B. A. Putnam, Col. J. M. Hanson, O. W. Dorman, Esq., Col. F. L. Dancy, Col. S. Bryan, P. McCarthy, Esq., George Burt, Esq., Hon. E. E. Simpkins, Col. J. P. Sanderson, S. L. Burritt, Esq., Col. I. D. Hart and Rev. A. Baker, and their successors in office, be and they are hereby declared a body politic and corporate, by the name and style of the College of St. Augustine, and as such shall be capable and liable, both in law and equity, to sue and be sued, to plead and be impleaded; and shall have power and authority to establish different departments of instruction in said College, such as Mathematical and English Department, a Classical Department, and a Department of Military Science and Tactics, a Department of Intellectual and Moral Science, and any other Departments which in their judgment may appear desirable and requisite, and to make all by-laws and regulations which may be necessary for the organization and government of said College: *Provided*, Such by-laws and regulations be not repugnant to the laws of Florida.

SEC. 2. *Be it further enacted*, That the Trustees and their successors in office hereby incorporated, under the name of the Trustees of the College of St. Augustine, shall and may have and use a common corporate seal, and the same may alter and destroy, or resume at their pleasure. They shall also have power and authority to appoint such Professors and Teachers, and other officers, as they may deem expedient for the tuition and government of said College, and the same to remove from office for cause; and also to confer and bestow annually or otherwise, such diplomas or testimonials of scholarship as the students in said College and others may merit.

SEC. 3. *Be it further enacted*, That the Trustees shall be and are hereby made able and capable of accepting; holding and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatever, which may belong to said College at any time, or which may be conveyed to said Trustees or their successors in office, and to hold the same free and clear from all and every kind of taxation, whether State, County or Corporation, for the proper use, benefit and behoof of said College: *Provided*, That the lands acquired by said Trustees shall be appropriated to the sole and exclusive benefit of said College, and may be sold whenever required by the necessary persons of said College.

SEC. 4. *Be it further enacted*, That there shall be at least one annual meeting of said Trustees in the city of St. Augustine, for the purpose of transacting the general business of said College, of which meeting a majority of the Trustees shall be a quorum; and special meetings may be had at other times to transact such business as shall be brought before them; and at those meetings

the number requisite to constitute a quorum shall be such as may be determined by the by-laws. If it should at any time happen that such annual meeting should not be held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on another day to hold such meeting, in such manner as may have been designated by the by-laws and regulations of said corporation. And in case of any vacancy or vacancies occurring in the Board of Trustees by death, resignation or otherwise, it shall and may be lawful, and the remaining Trustees are hereby authorized to fill such vacancies in such manner as shall be pointed out by the by-laws and regulations of the Board of Trustees aforesaid.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

1860.
Quorum.
Failure to meet.

Vacancies.

CHAPTER 1,168—[No. 75.]

AN ACT to establish the records of the county of Columbia, and for other purposes.

WHEREAS, On the 20th day of September last, the Court House, public offices and records of Columbia county were destroyed by fire :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be lawful, where any person or persons whose titles, deeds, bonds, mortgages, conveyances, receipts or other papers required or authorized by law to be recorded, or which were of record or on file for record in the county of Columbia and lost or destroyed by fire on or about the 19th day of September last, who shall produce a paper writing purporting to be a copy, or as near as may be known or recollected, a copy of the original paper so lost or destroyed as aforesaid, with full circumstantial proof of the substance thereof and of his or their title thereto or interest therein, and shall file the same in the office of the Clerk of the Circuit Court or recording officer for said county and serve on the opposite party or parties to be affected thereby a copy thereof, or give notice by advertisement in a newspaper published in the Suwannee Circuit of the State, for the space of three months, that such person or persons intend to establish such title, deed, bond, mortgage, conveyance, receipt or other paper required by law to be recorded, in case no sufficient objection be made, for the Circuit Court for said county, at its first session after giving said notice, to establish the title, deed, right of

Persons losing deeds, &c., by fire.

Copy and proof.

Notice.

Establishment.

1860.

Proviso as to
original papers.

Marks & brands
of cattle.

Papers belong-
ing to Court of
Probate, how
established.

such person or persons and admit again to record such papers so established as aforesaid: *Provided*, That nothing in this section contained shall be so construed as to prohibit the recording of any paper required or authorized by law to be recorded upon the presentation of the original with the Clerk's certificate of record thereon.

SEC. 2. *Be it further enacted*, That to re-establish marks and brands lost or destroyed as aforesaid, the person or persons making application shall take and subscribe an oath or shall affirm before the Clerk of the Circuit Court or recording officer of said county, stating the particular mark and brand recorded and so lost or destroyed, and, as near as may be known or recollected, the time when the same was recorded in the office of the Clerk or recording officer.

SEC. 3. *Be it further enacted*, That to establish any will, letter testamentary, of administration, of guardianship, of assignment of dower, or any other paper or papers, or any instrument of writing, of judgment, order or decree of the Probate Court, or Judge, in any way connected with the administration of the estate of any resident or the administration of guardians which have been recorded or required by law to be recorded or entered of record or filed in the Probate or any other public office, or to establish the record of any of the aforesaid documents or other writings, which have been lost or destroyed by fire as aforesaid, the applicant shall produce the original, or a proper writing purporting to be a copy, or as near as may be known or recollected, a copy of the original paper or papers or records so lost or destroyed, with full or circumstantial proof of the substance thereof, accompanied with declaration of his, her or their intention to establish such paper or papers or records so lost as aforesaid, and shall notify the opposite party or parties or persons interested, in the manner provided in the first section of this act, and at the first term of the Circuit Court thereafter, if no sufficient objection be made, such paper or papers so lost or destroyed shall, by order of said Court, be re-established and again be admitted to record.

Judgments and
decrees in Chan-
cery, how estab-
lished.

SEC. 4. *Be it further enacted*, That in all cases where judgments at law or decrees in chancery had been recorded or entered in the County, Superior or Circuit Courts of said county, the evidence of which shall have been destroyed in manner aforesaid, it shall and may be lawful for the plaintiff or party interested therein, by himself or attorney, to file his, her or their certain petition, upon oath, stating the fact in such case, which said petition shall be filed three months previous to any term of the Circuit Court for said county, and a copy thereof shall be served, in the same manner as other legal process, at least sixty days before any other term as aforesaid on which any

1860.

action upon the same shall take place, upon the party defendant, his, her or their representatives.

SEC. 5. *Be it further enacted*, That when it shall be made to appear, by affidavit to the Judge of the Circuit Court, that any party or parties defendant, his, her or their legal representatives, reside beyond the limits of this State, it shall and may be lawful for said Judge to order a hearing on the facts charged in said petition, and thereupon to pass an order in the same manner as though said party defendant or defendants had appeared and were present in Court: *Provided*, That a copy of the said order for hearing shall have been first served upon the defendant, his authorized agent or legal representative, sixty days before the time fixed for the said hearing, and be published in some newspaper in said Circuit for the term of three months, or such longer time as the said Judge may direct.

Parties non-resident.

SEC. 6. *Be it further enacted*, That the answer of said party or parties shall be filed within sixty days from the date of the service of a copy of said petition, or in case of publication of an order for hearing shall be filed at least thirty days fixed for the hearing of the same.

Answer of non-resident.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Judge of said Court, upon due return of a copy of said petition, with proof of the same having been served, or publication made in manner required by the foregoing sections, to hear the said petitioners upon the petition and answers, or petition and evidence adduced if there be no answer, and summary proceeding shall thereupon be had to establish such judgment or decree in such manner as the Court may direct, and the judgment or decree which may thereupon be rendered by the said Court, if in favor of the petition, shall be deemed as re-establishing such judgment or decree to all intents and purposes as the same existed at the date of the destruction of said Court House and Records.

Establishment of judgment, decree, &c.

SEC. 8. *Be it further enacted*, That all proceedings and matters pending and undetermined in said Court, and all papers, documents and instruments of writing pertaining thereto, may be re-established in the manner prescribed by law in reference to lost papers, or in the manner provided in the preceding section of this act, or in such manner as the Court may specially direct.

Matters pending and undetermined.

SEC. 9. *Be it further enacted*, That all proceedings taken under the provisions of this act shall be taken and commenced within two years next after the passage of this act, and not after.

Limitation.

SEC. 10. *Be it further enacted*, That until a seal of office is provided for the Clerk of the Circuit Court of said county, his private seal shall be sufficient in all cases where a seal is required by law.

Seal of Clerk.

SEC. 11. *Be it further enacted*, That in all cases provided for

1860.

Disqualification
of Judge.Extra terms of
Court.Business trans-
acted binding.Time of effect
of this law.

by this act, when the presiding Judge is disqualified to try and dispose of the same, it shall be lawful for him to exchange with some other Circuit Court Judge in the State during the week of Columbia Court, and it shall also be lawful for him to call one or more extra terms of said Court, at which he can preside himself or empower some one of the Circuit Court Judges in the State to preside in his place.

SEC. 12. *Be it further enacted*, That all the business transacted, whether at the regular or extra term of said Court, whether by the present Judge of the Circuit or by some one in his stead, shall be as binding and valid as if done and performed under the general law of the State.

SEC. 13. *Be it further enacted*, That this act shall take effect and be enforced from and after its passage.

Passed the House of Representatives November 28th, 1860. Passed the Senate January 17th, 1861. Approved by the Governor February 2d, 1861.

CHAPTER 1,169—[No. 76.]

AN ACT to authorize the County Commissioners of Washington County to establish a Ferry across Holmes' Creek at Vernon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the County Commissioners of Washington county be and they are hereby authorized to establish a Ferry across Holmes' Creek at Vernon, in said county, in the name and for the benefit of said county.

SEC. 2. *Be it further enacted*, That said County Commissioners shall cause to be kept at said Ferry a good and sufficient Ferry Flat, capable of carrying with safety a loaded wagon and team, and cause said Ferry to be kept in good order; said County Commissioners to establish the rates of ferriage.

SEC. 3. *Be it further enacted*, That said Ferry shall be in operation as aforesaid within twelve months after the passage of this act; and that no person shall be allowed, under pain of two hundred dollars, to establish any Ferry within three miles of said place, within ten years, for the purpose of receiving toll.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 1st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,170—[No. 77.]

AN ACT to authorize the Judge of the Middle Circuit of Florida to hold an Extra Term of the Circuit Court in Hamilton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Judge of the Circuit Court for the Middle Judicial Circuit of this State, is hereby authorized to call and hold an extra Term of the Circuit Court in and for the county of Hamilton, at such time as he may deem the business of said county may require it, by giving notice of ten days thereof, through the officers of said county, and some newspaper published in the Circuit.

Judge authorized to hold an extra term of Court.

Passed the Senate November 30th, 1860. Passed the House of Representatives December 1st, 1860. Approved by the Governor February 2d, 1861.

CHAPTER 1,171—[No. 78.]

See C 1720-1890 L-5-f

AN ACT to improve the navigation of the Apalachicola River and to reclaim the Swamp and Overflowed Lands on said Stream.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Trustees of the Internal Improvement Fund shall contract for the clearing out and improving of the channel of the Apalachicola river, and to reclaim the Swamp and Overflowed Lands on said stream; and shall have said work done as soon as practicable; and shall raise whatever means are necessary, from the Internal Improvement Fund and from the lands thereof.

Trustees of Int. Im. fund to provide for cleaning out the Apalachicola river.

Passed the House of Representatives February 12th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,172—[No. 79.]

AN ACT to provide against failure of representation from the counties of Monroe and Dade in the Convention.

WHEREAS, Doubts have been expressed whether the returns of the election to be held on the 22d day of December, in the counties of Dade and Monroe, for members of the Constitu-

Preamble.

1860.

tional Convention, ordained to assemble in Tallahassee on the 3rd day of January, 1861, can be received and canvassed, and the result ascertained so as to ensure the representation of the said counties in the Constitutional Convention, without a resort to extraordinary measures; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the election for members to said Constitutional Convention in the said counties of Monroe and Dade, shall be held at the precincts now established by law; and the Governor of this State is hereby authorized and required to cause a special messenger to be in attendance at each precinct in said county, whose duty it shall be immediately after the close of the polls at said precincts, and the canvass of the votes therein cast, to receive the returns of said election, sealed in the manner now prescribed by law, and convey the same without delay to the Judge of Probates for Monroe county; and it shall be the duty of the said Judge of Probates, on the 26th day of December, and before the departure of the steamer for St. Marks, to call to his assistance three or more reputable persons, citizens of the county of Monroe, and publicly canvass, so many of the said returns as shall have been received, and grant to the persons elected a certificate of the result, stating however in said certificate the number of precincts from which returns have been received, and the number of precincts from which returns have not been received, which said certificate shall entitle the persons appearing thereby to be elected to take their seats in the said Convention as members thereof: *Provided, however,* That if from any unforeseen cause the said steamer shall not leave the city of Key West until after the 26th day of December, 1860, then said canvass may be postponed until the latest moment, prior to the departure of said steamer, if such postponement should be rendered necessary by the failure to receive any of the said election returns.

SEC. 2. *Be it further enacted,* That should the whole of the returns from said counties not have been received on the day of the canvass, provided in first section of this act, a second canvass shall be had so soon as the returns from all of the said precincts shall have been received; and if all the said returns shall not have been received on the first day of January, 1861, then on that day a second canvass shall be had, which second canvass shall in all respects be conducted in the same mode and manner as the first, and a certificate of the result of said second canvass delivered to the persons appearing to have been elected, and a copy thereof sent by a special messenger, directed to the President of the Convention at Tallahassee, and upon the receipt of said return, the President of said Convention shall lay the same before that body, and if the result is different from the result of the first

Election, where held.

Special messenger, duties of, &c.

Duty of Judge of Probate.

Canvass and certificates of election.

Proviso in case of failure of steamer.

Second canvass may be had.

Returns to be made to President of Convention.

canvass, the seats of those member, who have not been elected shall be vacated, and the members actually elected shall be admitted to full membership without delay.

SEC. 3. *Be it further enacted*, That the Governor of this State be and he is hereby empowered to appoint a special agent to carry this act into execution, and the expenses of doing so shall be audited by the Comptroller upon the Governor's certificate, and paid by the Treasurer.

SEC. 4. *Be it further enacted*, That the counties of Dade and Monroe shall constitute one election district in the choice of members to said Convention, and together shall be entitled to three members and no more.

SEC. 5. *Be it further enacted*, That should the full returns from all the precincts in the said counties of Dade and Monroe not have been received by the 26th day of December, then the Judge of Probates for Monroe county shall certify the fact to the President of the Convention at Tallahassee, in which event no ordinance of a public nature shall be passed by said Convention prior to the first day of January, A. D. 1861, unless the members of said Convention actually elected by the full vote of said counties of Dade and Monroe shall have previously taken their seats in said Convention.

Passed the Senate November 30th, 1860. Passed the House of Representatives December 1st, 1860. Approved by the Governor December 1st, 1860.

Members actually elected shall sit.

Special agent.

Elect'n district.

Number of members.

In case of failure of returns.

CHAPTER 1,173—[No. 80.]

AN ACT to amend the Road Law, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, that any person or persons wishing their portion of the public road laid off, he shall make application to the overseer of that portion of the public road, and it shall be the duty of the overseer so applied to, to lay off such portion of road at such place as said applicant may wish it, being nearest to said applicant, and as much thereof as will be in proportion to the work to be done by said applicant, according to the number his hands subject to road duty, taking into consideration the condition of said portion of road.

SEC. 2. *Be it further enacted*, That when any person or persons shall have his or their portion of road so laid off as afore-said, and such as have heretofore had their portion of road laid

Overseer of Roads may apportion work to be done on the same.

Persons who have had their portions of road laid off.

1860.

Duty of persons
working road.Penalty for fail-
ure to work r'd.Law only appli-
cable to coun-
ties of Leon and
Gadsden.

off, it shall be lawful for such person or persons to keep and work the same so long as he, she or they may wish.

SEC. 3. *Be it further enacted*, That when any person shall receive and have laid off his or her portion of road as aforesaid, it shall be his or her duty to keep the same in as good order and condition as the balance of said road, and in failure thereof, the overseer on said road shall notify him or her of the same, and should said portion of road not be put in good order and condition within the space of ten days from such notice, the said overseer shall report such persons having such portion of road to the commissioners of roads for said district as a delinquent, and he, she or they shall be liable to pay a fine of two dollars per day for each and every hand subject to road duty, for as many days as the law requires them to work, for any such neglect, to be collected as in other cases of default on roads: *Provided*, That this act shall operate only in the Counties of Leon and Gadsden.

Passed the House of Representatives January 30th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,174—[No 81.]

AN ACT to change the times of holding the Circuit Courts in the Middle Judicial Circuit of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the terms of the Circuit Courts in and for the counties of the Middle Judicial Circuit of Florida, shall hereafter commence and be held in each and every year as follows: Spring Term in the County of Gadsden on the second Monday in March; in the County of Liberty on the third Monday in March; in the County of Leon on the fourth Monday in March; in the County of Wakulla on the first Monday in April; in the County of Jefferson on the second Monday in April; in the County of Madison on the third Monday in April; in the County of Hamilton on the fourth Monday in April; and in the County of Taylor on the first Monday after the fourth Monday in April. Fall Term in the County of Gadsden on the second Monday in October; in the County of Liberty on the third Monday in October; in the County of Leon on the fourth Monday in October; in the County of Wakulla on the first Monday in November; in the County of Jefferson on the second Monday in November; in the County of Madison on the third Monday in November; in the County of Hamilton on the fourth Monday in November; and in

Commencement
of terms of Ct.

the County of Taylor on the first Monday after the fourth Monday in November.

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed.

Repeal.

Passed the House of Representatives January 25th, 1861. Passed the Senate January 26th, 1861. Approved by the Governor February 2d, 1861.

1860.

Annulled by Ord. 60. Com. of 62
CHAPTER 1,175—[No. 82.] *part of 1861*

AN ACT to provide for the payment of the Florida Volunteers and others, who have not been paid for services actually rendered the State of Florida in the last War with the Seminole Indians.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of this State be and he is hereby required to audit and allow, and the Treasurer of this State is hereby required to pay upon warrant from the Comptroller, all amounts due Volunteer Companies, or person or persons performing volunteer service, transportation, or in any manner doing service or furnishing supplies for the State of Florida in the last Seminole Indian war in said State, who have not been paid for the same.

Comptroller to audit accounts.

Companies and persons to be paid.

SEC. 2. *Be it further enacted*, That said companies, or person or persons who actually did service for the State during the time of said war, shall be allowed the same compensation for their services, subsistence, supplies, transportation, &c., as is allowed by the laws of the late United States of America, and the said Comptroller shall be governed by said laws in making allowance to the companies and persons herein and above enumerated.

Amount of compensation.

SEC. 3. *Be it further enacted*, That it shall be at the option of said volunteer companies, person or persons mentioned in the first section of this act, to receive from the Comptroller of Public Accounts warrants upon the Treasury, or to avail themselves of the provisions of an act approved January 7th, A. D., 1853, entitled an act to provide for the payment of Captains Sparkman, Parker's, and other volunteer companies for service in the year 1849.

Manner of payment.

SEC. 4. *Be it further enacted*, That if there be any monies remaining in the Treasury or in the hands of any officer of this State raised by virtue of an act to provide for the payment of the debts of the State, approved 27th December 1856, the same shall be paid pro rata upon the warrants or scrip issued according to the provisions of this act, and the said act to provide for the pay-

Funds for payment.

1860.

ment of the debts of the State, approved 27th December, 1856, shall, and the same is hereby in full force, and the money may be raised by the provisions of said last mentioned act to pay the sums found by the Comptroller to be due and owing by the provisions of the first section of this act.

Oath of claimant.

SEC. 5. *Be it further enacted*, That the person or persons applying for the benefit of this act shall make affidavit before the Judge of Probate of the county in which he or they reside, that he or they has or have actually rendered the service of the kind and for the time specified, or that he or they has or have actually furnished the provisions, &c., for which he or they claim remuneration, which shall also be sworn to by three disinterested members of the company to which the claimant belonged, or for which the supplies were furnished or services rendered, and the claimant or claimants shall also make affidavit that he or they has or have never been paid for said services, &c., either by the late United States of America or by the State of Florida, after which the Judge of Probate shall certify he has reason to believe and does believe that the persons making the affidavit aforesaid are the persons they represent themselves to be, and that he believes them to be men of veracity; and shall affix his proper seal of office to the same, upon the production of which certificate by the person so entitled, or his agent or attorney, the Comptroller shall issue his warrant as aforesaid.

Proof.

Comptroller to issue warrants.

SEC. 6. *Be it further enacted*, That whenever the provisions of this act are complied with, it shall be the duty of the Comptroller to issue warrants on the Treasury for the amounts due said companies, person or persons, or issue script according to the provisions of the act approved January 7th, 1853, entitled an act to provide for the payment of Captain Sparkman's, Parker's and other volunteer companies for services in the year 1849, as the said companies or individual members thereof, person or persons, their agents or attorneys, may elect to receive.

Warrants to be paid.

SEC. 7. *Be it further enacted*, That the warrants or State script issued as aforesaid, shall be paid out of any moneys in the Treasury not otherwise appropriated, whenever the same shall be by the holder thereof presented at the State Treasury.

Passed the House of Representatives January 26th, 1861. Passed the Senate February 1st, 1861. Approved by the Governor February 8th, 1861.

See Senate Journal - 1861 p 215 & 288

[No. 60.]

Be it ordained by the people of the State of Florida in Convention assembled, That the act of the General Assembly approved February 8, 1861, and entitled "An act to provide for the payment of the Florida Volunteers and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians," be and the same is hereby repealed, and that the payment of all Warrants issued by the Comptroller under said act be suspended.

Passed in open Convention, January 27, 1862.

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CHAPTER 1,176—[No. 83.]

AN ACT to change the name of Big Spring Creek in Jackson county to Spring River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of the Stream heretofore known as Big Spring Creek, in the county of Jackson in this State, be and the same is hereby changed to Spring River. Name changed.

Passed the House of Representatives January 25th, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 2nd, 1861.

CHAPTER 1,177—[No. 84.]

AN ACT to compensate B. F. Whitner, jr., for services in running the Boundary Line between the States of Florida and Georgia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the sum of three thousand and thirty-three dollars and eighty-two cents, be and the same is hereby appropriated, from any monies in the Treasury of the State not otherwise appropriated, for the payment of B. F. Whitner, jr., for services and expenses as a surveyor in running the boundary line between the States of Florida and Georgia, in the years 1859-'60. Appropriation.

SEC. 2. *Be it further enacted,* That the Comptroller be authorized to audit, and the Treasurer to pay the amount due to the said Whitner, after having deducted such sums as have already been paid to him for this service. Payment.

Passed the Senate January 28th, 1861. Passed the House of Representatives February 8th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,178—[No. 85.]

AN ACT to relieve the Town Council of the Town of Milton of the limits of fifty per cent. in Taxation within the corporate limits of said Town, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the Town Council of the Town of Milton, in the County of Santa Rosa, be exempt Exemption for provision of act limiting amo't of tax.

1860.

Exemption f'm
road duty.Duty of Town
Council.Street and road
tax.Minors, slaves
and free ne-
groes.

Repeal.

from the operation of so much of the 33d section of an act entitled an act to raise a revenue for the State of Florida, and defining the duties of the Assessors and Collectors thereof, approved July 24th, 1845, as restricts the several Incorporated Towns in this State to not more than fifty per centum on the State Tax.

SEC. 2. *Be it further enacted*, That persons residing in the corporate limits of the said Town, be and they are exempt from road duty, and it shall be the duty of the Town Council of said Town to cause all the streets and alleys of said Town, and all public roads passing from and through said Town, for one mile from the centre thereof, to be kept in good repair, including the bridges and causeways, and to this end, in addition to the Tax which the said Town Council shall be authorized by law to levy and collect in said corporation, they are hereby authorized to levy and collect a street and road tax of one dollar and fifty cents per annum on each person residing within the limits of said corporation who are subject and liable, by the laws of this State, to do and perform road duty.

SEC. 3. *Be it further enacted*, That the tax which shall be imposed by this act upon minors shall be paid either by the minor himself, or his father or guardian, hereby making the father or guardian, as the case may be, liable for the same; that which shall be imposed upon slaves, shall be paid by the owner, overseer, employer, or manager of such slave or slaves, hereby making such owner, overseer, employer or managers liable for the same; and that which shall be imposed upon free negroes and mulattoes, shall either be paid by the free negro and mulatto, or the guardian of such free negro or mulatto, hereby making them and the guardian liable for the same.

SEC. 4. *Be it further enacted*, That all acts and parts of acts in conflict with this act, are hereby repealed.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,179—[No. 86.]

AN ACT to change the name of the County Site of Holmes County from Hewitt's Bluff to that of Cerro Gordo, and for other purposes herein expressed.

Name changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the name of the county site of Holmes County be, and the same is hereby changed from that of Hewitt's Bluff to that of Cerro Gordo, and that the

1860.

Court-house located.

Court House in said County shall be permanently located at Cerro Gordo for ten years from the passage of this act.

SEC. 2. *Be it further enacted*, That all laws or parts of laws conflicting with the true intent and meaning of this act be and the same are hereby repealed.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 1st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,180—[No. 87.]

AN ACT combining the offices of Sheriff and Tax Assessor of Jefferson County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the first Monday in October next, the sheriff of Jefferson County in this State shall be ex-officio Tax Assessor of said county, and shall perform all the duties now required by law of the Tax Assessor of said county, and shall receive as compensation for his duties for assessing the taxes of said county, and for performing the duties required by law of the tax assessor, one-third of the amount or commissions now by law allowed to the tax assessor and collector of said County.

Sheriff to be *ex-officio* Tax Collector.

Compensation.

SEC. 2. *Be it further enacted*, That from and after the first day of of October next the duties of the tax collector of said county, to whom by the present law was also confided the duty of assessing the taxes of said county, shall be limited to the collecting the taxes of said county assessed by the sheriff as ex-officio tax assessor, and he shall receive as his compensation for collecting the taxes two-thirds the amount or commissions now allowed by law to the tax-assessor and collector of said county, and the election to be held in said county, on the first Monday in October next, shall be for a tax collector and not for a tax assessor and collector as heretofore.

Tax Collector's duties.

Compensation.

Election.

SEC. 3. *Be it further enacted*, That the sheriff as ex-officio tax assessor, shall deliver one copy of the tax books to the county Commissioners of said county of Jefferson, one copy to the Comptroller of Public Accounts, and one copy to the tax collector, to enable him to proceed to collect the taxes.

Tax books.

Passed the Senate January 30th, 1861. Passed the House of Representatives February 1st, 1861. Approved by the Governor February 8th, 1861.

1860.

CHAPTER 1,181—[No. 88.]

AN ACT to authorize the County Commissioners of the counties of Escambia and Santa Rosa to borrow money for the purpose of building a Court House and Jail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the County Commissioners of the counties of Escambia and Santa Rosa shall have power, and they are hereby authorized to borrow the sum of twenty thousand dollars, for the purpose of building and erecting a Court House and Jail for the use of said counties.

County Commissioners authorized to borrow money.

May issue b'ds.

SEC. 2. *Be it further enacted,* That to secure the payment of the sum hereinbefore authorized to be borrowed, the said Commissioners shall have power and they are hereby authorized to issue bonds in sums not exceeding five hundred dollars each, and to the amount of twenty thousand dollars, said bonds to bear interest at the rate of eight per centum per annum, payable semi-annually, the principal sum secured to be paid on said bonds to be due and payable at twenty years from and after the date of said bonds.

Tax for paym't of bonds and interest.

Sinking fund.

SEC. 3. *Be it further enacted,* That for the purpose of providing means to pay the interest accruing due on said bonds, and also for the final payment and extinguishment of the same, the said Commissioners are further authorized and empowered, in addition to the tax now imposed for county purposes, to assess and collect a tax sufficient to pay the interest falling due on said bonds, and to create a sinking fund, which, at the expiration of the twenty years aforesaid, shall be sufficient to pay off and discharge said bonds when the same shall fall due at the expiration of the twenty years aforesaid.

Bonds to be countersigned by Clerk of Circuit Court.

Penalty for ov'r issue of bonds.

SEC. 4. *Be it further enacted,* That it shall be the duty of the said Commissioners, before issuing any bond or bonds under the provisions of this act, to cause the same to be countersigned by the Clerk of the Circuit Court of the said counties of Escambia and Santa Rosa, whose duty it shall be thus to countersign the same upon application made for that purpose by said Commissioners; and in no case shall the said Clerks countersign any bond or number of bonds exceeding in the aggregate amount the said sum of twenty thousand dollars, under a penalty of five hundred dollars for each and every bond so countersigned by them.

Question to be submitted to the people.

SEC. 5. *Be it further enacted,* That at the next election to be held in the counties aforesaid, it shall be the duty of the Judges of Probate thereof to submit the provisions of this act to the voters of said counties, requiring each voter to endorse on the

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ballot by him deposited his approval or disapproval of the same, and if upon a canvass of the votes cast, it shall appear that a majority of the legal votes are in favor thereof, then this act shall take effect and be in force, and not sooner.

Passed the Senate November 30th, 1860. Passed the House of Representatives January 17th, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,182—[No. 89.]

AN ACT permanently to locate the County Site of Volusia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Judge of Probate of said county be and he is hereby required to order an election to be holden at each election precinct within said county, on the first Monday in April, A. D. 1861, giving at least ten days notice thereof, by advertising and appointing inspectors, as in cases of elections of members to the General Assembly and county officers.

Election to be ordered.

SEC. 2. *Be it further enacted,* That it shall be the duty of said inspectors to make returns of said election to the Judge of Probate of said county, in the manner and form prescribed by law, for making returns of elections for State and county officers; and it shall be the duty of said Judge of Probate to canvass said returns according to the said law.

Returns and canvass.

SEC. 3. *Be it further enacted,* That each person voting at said election shall designate by endorsement upon his ballot the name of the place where said county site shall be located, and the locality receiving the greatest number of votes cast shall be declared the county site of said county.

Name of location to be endorsed on ballot.

County site.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Judge of Probate to notify the Judge of the Circuit Court, within the district in which said county lies, of the locality selected as the county site; and on failure to perform said duty, shall be liable to a fine of fifty dollars, recoverable, before any Court having competent jurisdiction, upon the suit of any citizens, said fine being for the use and benefit of said county.

Judge of Circ't Court shall be notified of site selected.

SEC. 5. *Be it further enacted,* That from and after the first Monday of October, A. D. 1861, the Courts now authorized to be held within said county, shall be held at the place or site selected by virtue of this act, and all processes issuing from said Courts after its selection, shall be made returnable to the said site.

Courts to be held at county site selected.

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Court-house to
be erected.

SEC. 6. *Be it further enacted*, That the Judge of Probate and County Commissioners of said county shall, as early as practicable after the selection of said site, cause a suitable building erected to be used as a Court House, wherein the records of said county shall be kept.

Repeal.

SEC. 7. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Passed the House of Representatives January 17th, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 2d, 1861.

CHAPTER 1,183—[No. 90.]

AN ACT to amend the Pilot laws for the Port of Fernandina.

Pilots to be li-
censed.

Citizens of G'a.

Ports of Geor'a

Penalty.

Masters of ves-
sels responsibleVessel may be
detained.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, it shall not be lawful for any person whatsoever to conduct any vessel over the St. Marys bar, or to any point in the St. Marys river, except such persons as are duly licensed thereto by the Commissioners of Pilotage for the port of Fernandina: *Provided however*, That nothing in this act contained, shall prevent any person who is a bona fide citizen of the State of Georgia, and who holds a license as pilot from the lawfully constituted authorities of the State of Georgia, from piloting any vessel bound exclusively to or from Georgia ports.

SEC. 2. *Be it further enacted*, That any person violating the foregoing section shall be indicted, and on conviction shall be fined in the sum of five hundred dollars.

SEC. 3. *Be it further enacted*, That any master, or chief officer of any vessel who shall allow his vessel to be conducted across the St. Marys bar, or to any point in the St. Marys river, by any person other than a pilot duly licensed by the Commissioners of pilotage for the Port of Fernandina, shall forfeit and pay double pilotage, to be disposed of as other fines and forfeitures are by law disposed of, and for the payment of said forfeiture the said vessel shall be liable and may be detained, by the Commissioners of Pilotage for the port of Fernandina, to whom the said fine shall be paid, and upon whose warrant the sheriff of the County of Nassau shall seize and detain the said vessel until the said fine is paid or bond and security given for the payment thereof, if the master or chief officer is found guilty of having violated this section: *Provided*,

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That this section shall not apply to any vessel bound exclusively to or from Georgia ports and conducted by a bona fide citizen of the State of Georgia, holding a pilot's license from the lawfully constituted authorities of the State of Georgia.

Proviso as to vessels bound to ports in G'a.

SEC. 4. *Be it further enacted*, That any person charged with violating the provisions of the third section of this act and refusing to pay the forfeitures herein provided, may appear in person or by attorney before the next succeeding term of the Circuit Court for Nassau County, and there, upon information filed by the Solicitor of the Circuit and traversed by the Defendant, the matter shall be heard and determined by the Court without further proceeding.

Def't may traverse information in Circuit Court.

SEC. 5. *Be it further enacted*, That whenever any vessel shall have been spoken by any of the duly licensed pilots of the port of Fernandina outside of the outer buoy and the services of said pilot offered to said vessel and refused, said vessel shall be liable to pay to the said pilots so offering their services half pilotage for coming in, and the pilot so offering shall be entitled to conduct said vessel out, or if the said vessel shall decline the services of said pilots again, then half pilotage going out, and should the said vessel refuse to pay said half pilotages then the pilots entitled to the same may, commence suit therefor against said vessel by information in the Circuit Court, and in the meantime said vessel may be detained upon the warrant of the Commissioners of pilotage, directed to the sheriff, until the final hearing of said information or until security is given for the payment of any sum which the said vessel may ultimately be condemned to pay.

Services of pilot refused.

Half pilotage.

Information.

SEC. 6. *Be it further enacted*, That in all indictments or informations under the provisions of this act, it shall be sufficient to state the section of this act which has been violated, the name of the vessel and such general and descriptive of the offence as will with reasonable certainty place the party accused on his guard, and no notice shall be taken in the said indictments or information of any provision or exception, but the same where the defendant claims the benefit thereof, shall be matter of defence to be by him proved.

Indictments & informations.

SEC. 7. *Be it further enacted*, That whenever any person is charged with violating the provisions of the first section of this act, it shall and may be lawful for the Commissioners of Pilotage for the port of Fernandina to issue their warrant, directed to the sheriff of Nassau County, for his arrest and apprehension, and to require said person to give bond and security for his appearance at Court or in default thereof commit said person to jail to answer said charge.

Persons charged with violation of act may be arrested.

SEC. 8. *Be it further enacted*, That the several licensed pilots of the port of Fernandina shall pay to the Commissioners of Pi-

Expenses of office.

1860.

Commissioners
may delegate
their power.

Vessels in dis-
tress.

Vessels owned
in State and
steamers mak-
ing regul'r trips.

lots for said port a sum not exceeding one per centum of their entire fees, to be used by the said Commissioners as a fund for defraying the expenses of their office.

SEC. 9. *Be it further enacted*, That the Commissioners of Pilotage for the port of Fernandina may delegate to one of their number all the powers herein conferred upon them, and may, if they think proper, allow him a compensation either per diem or in fees.

SEC. 10. *Be it further enacted*, That nothing in this act contained shall prevent any person from piloting any vessel in distress, nor shall provisions of the 5th section apply to any vessel owned in whole or the greater part in the State of Florida, to any steamer making regular trips to the port of Fernandina, nor to any vessel of less than forty tons burthen.

Passed the Senate November 30, 1860. Passed the House of Representatives January 30, 1861. Approved by the Governor February 8, 1861.

CHAPTER 1,184—[No. 91.]

AN ACT to amend an act entitled "an act for the regulation of Pilots and Pilotage at the Bay and Harbor of Pensacola."

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That section first of an act passed the 9th day of January, A. D. 1855, entitled "an act for the regulation of Pilots and Pilotage at the Bay and Harbor of Pensacola," be and the same is hereby repealed; and that the control and jurisdiction heretofore given by said act to the "Commissioners of Pilotage of the Bay and Harbor of Pensacola," be and the same are hereby vested in the Port Wardens of and for the Port of Pensacola.

Port Wardens.

License of pi-
lots.

SEC. 2. *Be it further enacted*, That it shall be the duty of the aforesaid Port Wardens, under the conditions and restrictions of the aforesaid act, to examine and license as many persons as may be competent and necessary to perform the service to act as Pilots for and within the waters of Pensacola Bay, Escambia Bay and St. Mary de Galvey Bay, and to fix the compensation for such services as in their discretion shall be just and right.

Attachment.

SEC. 3. *Be it further enacted*, That whenever it may become necessary for the Port Wardens aforesaid to institute suit for a violation of the 17th section of said act, by process of attachment, as provided in the 18th section of said act, said attachment shall issue without bond being required or given; and in no case shall

the said Port Wardens be held liable for a failure to prosecute such suit to judgment in their favor.

SEC. 4. *Be it further enacted*, That if the Port Wardens aforesaid shall have reason to suppose that the witness or witnesses to the offence created by the said 17th section may be without the jurisdiction of the State at the time of the trial of said suit, upon their application it shall be the duty of the Clerk of the Circuit Court of Escambia county, to issue a commission to take the testimony of such witness or witnesses; and it shall be the duty of the Commissioners named in such commission to notify the master of the ship, vessel or other water craft, or other person offending against the provisions of said act, of the time and place of taking said testimony, and upon due proof of said notice, the testimony taken under such commission shall be received in evidence upon the trial of such suit.

Non-resident witnesses.

SEC. 5. *Be it further enacted*, That three full Branch Pilots of the Port of Pensacola shall constitute the Board of Examiners, under the 2nd section of the act aforesaid, instead of "three Nautical men," as is now provided by said act.

Board of Examiners.

SEC. 6. *Be it further enacted*, That every pilot boat employed in piloting under said act, shall be allowed to carry one pilot for each and every fifteen tons by measurement of said boat.

Pilot boats and pilots.

SEC. 7. *Be it further enacted*, That all laws inconsistent with the provisions of this act, be and the same hereby repealed.

Repeal.

Passed the Senate January 15th, 1861. Passed the House of Representatives January 21st, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,185—[No. 92.]

AN ACT to organize a new County to be called Baker county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That there shall be constituted a new county to be called Baker county, which shall comprise within its limits all that part of the Territory of the present county of New River which lies North of the centre line of township four South, of Range eighteen East.

County constituted, limits, &c

SEC. 2. *Be it further enacted*, That it shall be the duty of the Judge of Probate of New River county, within twenty days after the passage of this act, to issue notices of an election for a Judge of Probate, Clerk, Sheriff, Tax Collector and four Commissioners for said county of Baker, (who shall hold their offices for the residue of the term for which other similar officers in this State were

Election of co'y officers.

Term of office.

1860..

County site.
buildings, &c.

Terms of Court.

Transfer of
causes.

Terms of Court.

Railroad stock.

elected, and until their successors are elected and qualified,) which election shall be held not more than thirty nor less than twenty days after the date of said notices.

SEC. 3. *Be it further enacted*, That the county site of said county shall be fixed at Sanderson until otherwise provided by law, and the Commissioners chosen shall be authorized to provide suitable county buildings.

SEC. 4. *Be it further enacted*, That there shall be two terms of Court held in the said county, which shall be on the first Monday after the fourth Monday in April and October; and it shall be the duty of the Clerk of New River county, on the application of the defendant in any cause pending in the Circuit Court of New River county, when said defendant resides in Baker county, to transfer all the papers in said cause, together with a certified copy of all entries of record, to the Clerk of the Circuit Court of Baker county: *Provided*, Said application shall be made at least ten days before the sitting of the Circuit Court in Baker county, and after notice to the plaintiff in said cause or his attorney.

SEC. 5. *Be it further enacted*, That the terms of the Circuit Court for New River and Nassau counties shall hereafter be held as will be affixed by law.

SEC. 6. *Be it further enacted*, That when New River county shall have received her *pro rata* share of her Railroad stock from Columbia county, it shall be the duty of the County Commissioners of Baker county, together with the Judge of Probate of said county, to transfer the amount of taxable property to the Judge of Probate of New River county, who shall set apart their *pro rata* share of said Railroad stock for Baker county, and take the said bonds of said county on the said terms as the said New River county received said Railroad stock of Columbia county.

Passed the House of Representatives January 25th, 1861. Passed the Senate February 2d, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,186—[No. 93.]

AN ACT to authorize the County Commissioners of Hillsborough county to borrow money, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*,

County Com-
missioners may
borrow money.
Bonds, &c.

That the County Commissioners of Hillsborough county be and they are hereby authorized to borrow money and give bonds for the re-payment of the same, said bonds to be issued in such sums

and payable at such times, and have such coupons thereunto attached, as the Board of County Commissioners may direct; and said Commissioners shall have full power to do and perform all that is necessary for the purposes of carrying out the intention of this act.

SEC. 2. *Be it further enacted*, That said bonds shall not bear a greater interest than eight per cent. per annum, and no greater sum of money shall be raised under the provisions of this act than is necessary to pay for repairs already made on the Court House at Tampa, and to pale the same in, and to build a good and substantial Jail.

Interest and amount of loan.

SEC. 3. *Be it further enacted*, That nothing in this act shall be so construed as to allow the Board of County Commissioners to levy a greater county tax than is now by law allowed to be levied.

Limitation of tax.

SEC. 4. *Be it further enacted*, That if the present rate of taxes for said county be not sufficient, the County Commissioners may submit to a vote of the people whether they shall be taxed or not; and in case a majority of the tax payers of said county vote for the additional tax to be levied, then in that case the said Board of County Commissioners is authorized by this act to levy an extra county tax, not to exceed eight and one-third cents on the hundred dollars, for the years eighteen hundred and sixty-one, two, three, four and five.

Question of taxation to be submitted to the people.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 7th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,187—[No. 94.]

AN ACT making Capt. Simeon Sparkman a citizen of Columbia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whereas, it being doubtful as to which county Capt. Simeon Sparkman is a citizen of, being immediately on the line between the counties of Columbia and Suwannee, it is therefore declared that from and after the passage of this act, Capt. Simeon Sparkman shall be considered a citizen of Columbia county, and be entitled [to] all the privileges of said citizenship.

Preamble.

Declared a citizen of Columbia county.

Passed the House of Representatives January 30th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 12th, 1861.

LAWS OF FLORIDA.

CHAPTER 1,188—[No. 95.]

AN ACT to change the name of Thomas Jefferson Filmer Ault, of New River County, to Thomas Jefferson Filmer Johns, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the name of Thomas Jefferson Filmer Ault, of New River County, Florida, be, and the same is hereby changed to that of Thomas Jefferson Filmer Johns, and made an heir at law of Archibald Johns.

SEC. 2. *Be it further enacted,* That the name of Benjamin Keyton Durrance of Clay County, Florida, be changed to that of Benjamin Keyton Kennedy, and that he be made an heir-at-law of James H. Kennedy.

Passed the House of Representatives February 12, 1861. Passed the Senate February 12, 1861. Approved by the Governor February 14, 1861.

CHAPTER 1,189—[No. 96.]

AN ACT to amend the Road Law, and to repeal a certain act relating to Santa Rosa County, herein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an act entitled an act to amend the road law so far as relates to Santa Rosa County, approved by the Governor, January 5th, 1859, be, and the same is hereby repealed, and that the law of the State in relation to roads and bridges generally, as it stood at the time of the passage and approval of said act, be and the same is hereby revived, and to be of full force and effect, to all intents and purposes, in and for said County of Santa Rosa, as though the said act had never been passed and approved.

SEC. 2. *Be it further enacted,* That the Board of County Commissioners of the County of Santa Rosa be, and they are hereby authorized and empowered to levy and collect a tax of not exceeding eight dollars per annum on persons in the County of Santa Rosa, including slaves and free persons of color, who are subject and liable to do and perform road duty by the laws of this State, which tax shall be in lieu of personal labor of said persons on the roads and bridges as is now required by law: *Provided however,* That the Board of County Commissioners shall first take the sense of the voters of the County upon the subject,

Repeal.

General road law made applicable.

Road tax.

Question to be submitted to the people.

which election shall be ordered to take place and held at the same time and places as is now provided or shall hereafter be provided by law for elections to be held on the first Monday in October, and to be conducted in the same manner, and the returns thereof to be made to the Judge of Probate and canvassers as is now provided by law for other elections; and the voters shall indorse on their ticket "Tax" or "No Tax," and if the vote be the largest for "No Tax," then and in that event the said Board of County Commissioners shall not substitute a tax in lieu of the present personal labor of road hands.

SEC. 3. *Be it further enacted,* That if the vote of the County shall be in favor of a tax in lieu of personal labor of road hands, then and in that event the said Board of County Commissioners shall have full power and authority to make all needful rules and regulations for the levying and collection of the tax, to appoint a tax assessor and collector, to fix the compensation of the tax assessor and collector for assessing, collecting and paying over the said tax, and to define his duties and liabilities, to make all needful rules and regulations for the working and keeping in good order and condition the roads, and for repairing and keeping in good order and condition the bridges and causeways, and for opening new roads and building new bridges and causeways, and to this end may appoint a superintendent or superintendents, overseer or overseers, to fix the compensation, duties and liabilities of a superintendent or an overseer, and in a word, shall have and possess all power and authority which may be requisite and necessary to give full effect and force to the true intent and meaning of this act, so that the roads, bridges and causeways may be kept in good order and condition, the opening of new roads, the building of new bridges and causeways may be effected.

SEC. 4. *Be it further enacted,* That the money to be collected as road tax, under the provisions of this act, shall be paid into the hands of the County Treasurer, to be paid out only by an order of the said Board of County Commissioners for that purpose, and shall not be appropriated to any other use or purpose than that which is contemplated by this act, and that the County Treasurer shall keep a separate and distinct account of the same from the other County funds, and shall be allowed the same compensation for the receiving and paying out the same as he shall be allowed for receiving and paying out other funds belonging to the County.

SEC. 5. *Be it further enacted,* That the tax assessors and collectors, the superintendents and overseers of roads, and all other officers or agents that shall or may be elected or appointed under the provisions of this act, shall give such bond and security, and take such oath, and perform such duties, and to be liable to such pains and penalties, as shall be required and prescribed by the

Manner of levying and collecting tax.

Tax Collector.

Condition of roads, &c.

Overseers.
Compensation.

Powers of Co'ty Commissioners

Funds collected under this act.

Officers under this act, bond, oath and duties.

1860.

Term of office.

Vacancies.

Tax upon minors, slaves and free negroes, how paid.

Limitation of tax.

said Board of County Commissioners ; and the officers to be elected or appointed under the provisions of this act shall hold their respective office for the term of two years and until their successors shall be elected or appointed and duly qualified ; and the said Board of County Commissioners shall fill all vacancies that may occur by death, resignation or otherwise.

SEC. 6. *Be it further enacted*, That the tax assessed by virtue of this act, upon persons under twenty-one years of age, shall be paid either by the minor himself, his father or guardian ; that assessed upon slaves shall be paid by the owner or owners, managers or overseer of such slave or slaves, and that assessed upon free persons of color shall be paid either by the said free person of color or his guardian, and no property whatever shall be exempt from levy and sale for the payment of the tax assessed by virtue of this act and the costs that may accrue in consequence of a neglect or refusal to pay said tax.

SEC. 7. *Be it further enacted*, That the said Board of County Commissioners shall not in any one year levy more or a greater amount of tax under the provisions of this act than shall be necessary, from their best judgment, to fully accomplish and carry out the objects contemplated by this act, economically and efficiently.

Passed the Senate January 15, 1861. Passed the House of Representatives February 1st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,190—[No. 97.]

AN ACT to provide for the taking of Marks and Brands of Cattle driven or shipped from the Counties of Sumter, Hillsboro' and Manatee.

Persons intending to drive or ship cattle must notify Inspectors.

Duty of Inspector.

Co'ty Commissioners to appoint Inspector

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of every person or persons intending to drive or ship cattle from the counties of Sumter, Hillsboro' or Manatee, to notify, in writing, the Inspector and Recorder of Marks and Brands of such county of such, his or their, intention, and also of the time and place at which said cattle may be inspected and the marks and brands of the same recorded, and it shall be the duty of the Inspector and Recorder as aforesaid to attend at the time and place appointed and then and there inspect and record the mark and brands of said cattle.

SEC. 2. *Be it further enacted*, That it shall be the duty of the County Commissioners of each of the counties aforesaid to appoint an Inspector of Marks and Brands for their respective

1860.

counties, who, prior to entering upon the duties of said office, shall file with the Judge of Probate his bond, with good and sufficient security, to be approved of by the Judge of Probate and County Commissioners, in such sum as they may designate, and payable to the said Judge of Probate and his successors in office, and said Inspector shall further take an oath of office faithfully and impartially to perform the duties of the same.

Bond.

Oath.

SEC. 3. *Be it further enacted*, That the said Inspectors be and they are hereby authorized to appoint Deputies to perform the duties of said offices, and the bond of said Inspector shall be liable for the negligence or malfeasance of such Deputies so appointed.

Deputy Inspectors.

SEC. 4. *Be it further enacted*, That it shall be the duty of the said Inspector to furnish to the person or persons whose cattle have been inspected and recorded by him a certificate of the same, which said certificate shall be receivable in evidence in the Circuit Courts of this State in all contests touching said cattle and the inspection thereof, and for each head of cattle so inspected and recorded as aforesaid, said Inspector shall be entitled to receive ten cents, to be paid by the person or persons requiring such inspection.

Certificate of inspection.

Inspector's fees

SEC. 5. *Be it further enacted*, That if any person shall drive or ship, or cause to be driven or shipped, any beef or other cattle from the counties aforesaid, without first causing the same to be inspected and recorded, every person so offending shall be liable to indictment, and upon conviction shall be punished by fine not less than one hundred dollars and not more than two hundred dollars, at the discretion of the jury trying said case.

Penalty for violating law.

SEC. 6. *Be it further enacted*, That said Inspector shall file duplicate copies of the record so taken by them in the office of the Clerk of the Circuit Court of the respective counties, which said record shall at all times, during office hours, be open to the inspection of the citizens of the State.

Copies of rec'd of Inspector to be filed in the Clerk's office.

SEC. 7. *Be it further enacted*, That all laws and parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed.

Repeal.

Passed the House of Representatives February 4th, 1861. Passed the Senate February 8th, 1861. Approved by the Governor February 13th, 1861.

1860.

CHAPTER 1,191—[No. 98.]

AN ACT to authorize James Addison of Leon county, to construct a dam across the Ocklocknee River in Leon county.

May construct
dam.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, James Addison be allowed to construct a dam across the Ocklocknee river, for the purpose of erecting a mill on said river: *Provided, however,* That said dam shall not interfere with the navigation of said river.

Passed the House of Representatives January 18th, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,192—[No. 99.]

AN ACT concerning Pilotage for the Port of Cedar Keys.

repealed 5 C-1313-M. L. 43

Appointment of
pilots.

Bond and oath.

Rates of pilot-
age.

Vessels refus'g
pilots.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Mayor and City Council of the city of Atseena Otie shall appoint and license such number of competent persons as may be deemed necessary to act as pilots for the port of Cedar Keys, during good behaviour, which said pilots so appointed, shall enter into bond, with security, to be approved by the Mayor and Council, in the sum of two hundred and fifty dollars, payable to the State of Florida, conditioned for the faithful performance of their duties, and shall also, before entering upon their office, take and subscribe an oath well and faithfully to discharge the same.

SEC. 2. *Be it further enacted,* That the following rates of pilotage shall be allowed to each pilot conducting a vessel into the port of Cedar Keys and the same for carrying a vessel out to sea, to wit: For merchant vessels drawing less than eight feet of water, two dollars and a half per foot; for all vessels drawing eight feet or over, three dollars per foot; all vessels drawing ten feet and over, three dollars and fifty cents per foot; for every night detained on board of any vessel outside the bar, two dollars.

SEC. 3. *Be it further enacted,* That when any vessel bound into the aforesaid port, shall be hailed or spoken by any pilot of the same outside the bar buoy, and said vessel, not having already a pilot of said port on board, shall refuse to take and receive said pilot so speaking, then, in that case, said pilot shall be entitled to demand and have the same rate of pilotage as if he had

been taken on board and had piloted and conducted the said vessel into port, and when any vessel shall be hailed or spoken within the bar buoy by a pilot, and refuse to take the same on board, said vessel shall pay the said pilot one half the aforesaid rates of pilotage.

SEC. 4. *Be it further enacted*, That when any vessel outward bound shall refuse to receive and take on board a duly authorized pilot of said port, such vessel shall be liable to pay to such pilot one half of the pilotage which is hereby authorized.

Vessels outward bound.

SEC. 5. *Be it further enacted*, That all fees and rates of pilotage which may become due are hereby made recoverable before any Court of record, or any Justice of the Peace, or any Mayor of any incorporated town in this State.

Rates of pilotage, how recovered.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said pilots to go out to every vessel bound to said port, as soon as practicable after they appear in the offing, to keep up a suitable beacon on the West bank at the entrance of the haul-over, a stake on the east bank opposite, and stakes all along the channel of said port up to the termination of the wharf.

Duty of pilots.

SEC. 7. *Be it further enacted*, That no vessel carrying the mails along the coast of Florida, whether propelled by steam or sails, shall be compelled to take a pilot or pay any pilot fees, except in cases where service is actually performed, at any port in this State by this or any other act or regulation of the Commissioners of Pilotage.

Vessels carrying mails.

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SEC. 8. *Be it further enacted*, That all laws or parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Repeal.

Passed the Senate January 30th, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,192—[No. 100.]

AN ACT to change the time for holding the Circuit Courts for the Western Judicial Circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the terms of the Circuit Courts of the several counties of the Western Judicial Circuit of Florida, shall be as follows, in each and every year, to-wit: The Spring Term shall be held for the county of Walton on the first Monday in March; for the county of Holmes on the first Tuesday after the third Monday in March; for the county

Spring term.

1860.

Fall term.

of Washington on the first Tuesday after the fourth Monday in March; for the county of Jackson on the fourth Monday in April; for the county of Calhoun on the first Tuesday after the second Monday in May; for the county of Franklin on the third Monday in May; for the county of Santa Rosa on the second Monday in June; for the county of Escambia on the fourth Monday in June. The Fall Term shall be held for the county of Walton on the first Tuesday after the third Monday in September; for the county of Holmes on the first Tuesday after the fourth Monday in September; for the county of Washington on the first Tuesday after the first Monday in October; for the county of Jackson on the second Monday in October; for the county of Calhoun on the first Tuesday after the fourth Monday in October; for the county of Franklin on the first Monday in November; for the county of Santa Rosa on the fourth Monday in November; for the county of Escambia on the second Monday after the fourth Monday in November.

Repeal.

SEC. 2. *Be it further enacted*, That all laws or parts of laws inconsistent with the true intent and meaning of this act be and the same are hereby repealed.

Passed the Senate January 22d, 1861. Passed the House of Representatives January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,194—[No. 101.]

- AN ACT to empower the Judges of Probate of Washington and Holmes counties to draw certain School Funds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the Comptroller of Public Accounts be and he is hereby requested and required to issue his warrant upon the Treasury in favor of the Judges of Probate of Washington and Holmes counties, for the amount of all the interest of the common school fund due their respective counties up to date, thereto [and thereafter] issue his warrant annually, as is now provided by law.

Comptroller to
issue warrant
for amount of
interest of sch'l
fund.

Passed the Senate February 6th, 1861. Passed the House of Representatives February 13th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,195—[No. 102.]

AN ACT to Repeal so much of the Act approved January 7th, 1859, as Consolidates the Offices of Sheriff and Tax Assessor and Collector in Wakulla county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the first section of the act approved January 7th, 1859, entitled an act to consolidate the offices of Sheriff and Tax Assessor and Collector, and of Judge of Probate and Clerk of the Circuit Court in the county of Wakulla, be and the same is hereby repealed.

Repeal.

SEC. 2. *Be it further enacted,* That this act shall not prevent the present Sheriff and Tax Assessor and Collector from collecting the taxes for the year 1861, or from discharging the duties of his office of Sheriff until the expiration of his present term of office.

Proviso as to taxes for 1861.

Passed the Senate November 30th, 1860. Passed the House of Representatives January 28th, 1861. Approved by the Governor February 2d, 1861.

CHAPTER 1,196—[No. 103.]

AN ACT to permit A. E. Hodges to establish a Ferry across the Withlacoochee River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That A. E. Hodges, of Levy county, be and he is hereby authorized to establish a Ferry across the Withlacoochee river.

Authorized to establish ferry.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 1st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,197—[No. 104.]

AN ACT to authorize Joseph H. Rowe, William J. Keyser, and other owners of wharf property at Milton, in Santa Rosa county, to establish and charge rates of Wharfage.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Joseph H. Rowe, William J. Keyser, and owners of wharf property in the Town of Milton, county of Santa Rosa, be and

1860.

May collect
tolls.

Extent.

they are hereby authorized and empowered to assess and collect tolls and rates of wharfage, for the use of said wharf or wharves, as is charged and collected by owners or proprietors of wharf property at the city of Pensacola, so far as may be consistent with the right of the Town of Milton aforesaid to regulate such rates.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,198—[No. 105.]

AN ACT to improve the navigation of Weekiva Creek and Clay Spring River, and to reclaim Swamp and Overflowed Lands on said streams.

Trustees In.Im.
fund may con-
tract for clean-
ing out said
streams.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Trustees of the Internal Improvement Fund be and are hereby authorized and empowered to contract for the cleaning out of the channel of Weekiva creek and Clay Spring river, (a branch of said creek,) from the entrance of said Weekiva creek into St. Johns river to the source of said Clay Spring river, in Township 20, Range 28, S. and E., for the purpose of draining the swamp lands contiguous thereto, and for improving the navigation of said streams.

Trustees may
pledge alternate
sect's of swamp
land.

SEC. 2. *Be it further enacted,* That the Trustees of the Internal Improvement Fund are hereby authorized to pledge alternate sections of swamp and overflowed lands for three miles wide on said streams, or so much thereof as is necessary for the purposes hereinbefore provided for.

Passed the Senate January 30th, 1861. Passed the House of Representatives February 5th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,199—[No 106.]

AN ACT to Improve the Navigation of Peas Creek and to Drain the Swamp and Overflowed Lands thereon.

Trustees of In.
Imp't fund may
contract for

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act the Board of Trustees of the Internal Improvement Fund be and are hereby au-

1860.

thorized and empowered to make contracts with any person or persons who they may deem proper for the cleaning out of the channel of Peas creek, in order to render said stream navigable and for the purpose of draining the swamp and overflowed land thereon.

cleaning out stream.
Purpose.

SEC. 2. *Be it further enacted*, That the Board of Trustees of the Internal Improvement Fund are hereby authorized and empowered to pledge the alternate sections of lands contiguous to said stream for a distance of three miles on each side thereof, for the purposes hereinbefore named in the first section of this act.

Trustees may pledge alternate sect's of swamp land.

Passed the House of Representatives February 12th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,200—[No. 107.]

AN ACT to amend the act governing the County Commissioners of Nassau county in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the County Commissioners for the county of Nassau, shall cause to be provided suitable offices for the Clerk, Sheriff and Judge of Probate of said counties, at the county site; and so soon as the said offices are provided, it shall be the duty of the said Clerk, Sheriff and Judge of Probates to remove to the said offices all the books, papers and records belonging to their respective offices, and there safely to keep the same.

Offices for co'ty officers to be provided at co. site.

Officers to remove books, &c

SEC. 2. *Be it further enacted*, That it shall be the duty of the said officers to attend at their respective offices, in person or by deputy, every Monday, from 10 A. M. to 2 P. M.

Officers to attend at their offices.

SEC. 3. *Be it further enacted*, That any person who shall fail to comply with any of the provisions of this act may be indicted, and on conviction fined in a sum not exceeding fifty dollars, at the discretion of the Court.

Penalty for violation of act.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 12th, 1861.

1860.

CHAPTER 1,201—[No. 108.]

AN ACT to organize the county of Polk from the counties of Hillsborough and Brevard.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the Western part of Brevard county and the Eastern part of Hillsborough county, shall form the county of Polk, and that the said county of Polk be and the same is hereby established.

Limits.

County established.

Boundaries.

SEC. 2. *Be it further enacted,* That the county of Polk shall be and the same is hereby marked and bounded as follows: Commencing at the point where the range line that divides ranges twenty-two and twenty-three strikes the line that divides townships thirty-two and thirty-three thence East along said line to where it strikes the Wissimmee river; thence up said river along its Western bank to Lake Wissimmee; thence meandering the Southern and Western bank of said Lake to Lake Cypress, and meandering said Lake Cypress on the South and West to the point where the line that divides ranges twenty-seven and twenty-eight meets the line that divides townships twenty-five and twenty-six; South, thence West along said line until it intersects the line dividing ranges twenty-two and twenty-three, and thence down said line to the point of beginning.

County officers.

SEC. 3. *Be it further enacted,* That the qualified voters of said county of Polk, are hereby authorized to elect such county officers as are by law directed to be elected in the county of Hillsborough of this State, in the same manner, and subject to the same duties, provisions and responsibilities.

County site.

SEC. 4. *Be it further enacted,* That the qualified voters of said county, at the time of electing their officers, shall select by ballot, a permanent seat of government for said county, and that the place receiving the majority of the qualified voters of said county, shall be called Reidsville, and shall be the permanent seat of government for said county; and in case of a tie in the votes cast for any two or more places, and there being no place receiving a majority, a new election shall be immediately ordered and continued until some place receives a majority of votes of said county for said county site.

Election of county officers.

SEC. 5. *Be it further enacted,* That an election for county officers for the said county of Polk shall be ordered at the proper time by the Judge of Probate of Hillsborough county, to be held at such places in the said county of Polk as the said Judge may deem proper, on the first Monday of March, 1861, which election shall be conducted under the laws and regulations governing elections in this State, the returns thereof to be made to and the

canvass and return to be made by the said Judge of Probate as in other elections, and the officers so elected shall be commissioned by the Governor.

SEC. 6. *Be it further enacted*, That so soon as the officers of said county of Polk are elected and qualified they shall receive from such officers of the counties of Hillsborough and Brevard all records, dockets, files, suits, letters of administration, guardianships, curatorships and all other papers whatsoever in any way appertaining to the county of Polk, or the inhabitants thereof which shall be made of record, filed, &c., in the said county of Polk, and the same shall be conducted and continued as though they had originated in the said county.

Transfer of records, &c.

SEC. 7. *Be it further enacted*, That the said county of Polk shall be attached to and constitute one of the counties of the Southern Judicial Circuit of Florida, and the spring terms of the Circuit Court of the Southern Judicial Circuit shall be held as follows: In Hernando on the 4th Monday in March; in Hillsborough on 1st Monday in April; in Polk on 3d Monday in April; in Manatee on 1st Monday in May; in Monroe on 3d Monday in May; and the Fall term of said Courts shall be held as follows: In Hernando on 2d Monday in October; in Hillsborough on 3d Monday in October; in Polk on 1st Monday in November; in Manatee on 3d Monday in November; in Monroe on 2d Monday in December.

Terms of Court in South'n Circuit.

SEC. 8. *Be it further enacted*, That the said county of Polk shall be entitled to one representative in the General Assembly of the State of Florida: *Provided, however*, That it shall be found by a census of said county, to be taken by order of the Governor, under the forms now prescribed by law for taking the general census of the State, the expense of taking such census to be borne by the said county, that its population is sufficient to entitle it to such representative; otherwise it shall continue to vote for representative with the county of Hillsborough until the next regular apportionment of representation, and said county shall constitute a part of the 20th Senatorial District of this State.

Representation

Census.

SEC. 9. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Repeal.

Passed the House of Representatives January 30th, 1861. Passed the Senate February 4th, 1861. Approved by the Governor February 8th, 1861.

1860.

CHAPTER 1,202—[No. 109.]

AN ACT to amend an act concerning Roads and Highways in St. Johns County in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the fourth section of the act to which this is an amendment be repealed, and in lieu thereof the following be substituted, to-wit: The tax collected by virtue of this act shall be paid into the County Treasury and be subject to the order of the Road Commissioners, which said tax shall be appropriated to the exclusive improvement of roads and highways within the road district in which said tax shall have been incurred, and the said Treasurer shall receive for his services two and a half per cent. for receiving and disbursing the same: *Provided,* That the provisions of this act shall apply only to the County of St. Johns.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,203—[No. 110.]

AN ACT to amend the Road Laws of Nassau County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the road laws in force in Nassau County be, and the same are hereby amended so as to prevent any person in said County from being compelled to work on said roads more than three days in any one year or to pay more than one dollar per day for any day in which he shall fail to work.

Passed the House of Representatives January 29th, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,204—[No. 111.]

AN ACT relative to the Common School Fund of the Counties of Washington and Holmes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the board of County Commissioners of Washington and Holmes Counties be, and they are hereby authorized to loan out

Repeal.

Application of
road tax.

Compensation.

Days of work
on road.

Commutation.

County Commis-
sioners may
loan out school
fund.

1860.

on good and sufficient mortgage security, at the highest legal rate of interest to be obtained, so much of the Common School Fund as is already or shall hereafter be apportioned by law to said counties, or any portion thereof, whenever in their judgment they deem it best for the interest of the said counties.

SEC. 2. *Be it further enacted*, That any note or mortgage or other instrument or obligation in writing which the said board of County Commissioners shall take for the loan of said fund or any part thereof, shall be in the name of, and payable to the said Board of County Commissioners and their successors in office; and all such loans shall not be for a longer period of time than twelve months, and that the interest accruing therefrom shall become a part of the Common School Fund of said counties and shall be dealt with and disposed of as is now or shall hereafter be directed by law for the disposal of the other common school funds of said counties.

Evidences of loan.

Terms of loan.

SEC. 3. *Be it further enacted*, That all expenses or charges in drawing mortgages, notes or other instruments of writing for the loan of said funds, including the recording fees, and also all fees and commissions for the collecting of the same, shall be paid by the person or persons borrowing the funds, so that no part of the principal or interest shall be a loss of the Common School Fund of the said counties: *Provided, however*, That there shall not be any fees or commissions paid for the collection of the fund when the same shall be paid at maturity.

Expenses.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 11th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,204—[No. 112.]

AN ACT in relation to the Common School Fund of Santa Rosa County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Board of County Commissioners of the County of Santa Rosa be, and they are hereby authorized to loan out, on good and sufficient mortgage security, at the highest legal rate of interest to be obtained, so much of the Common School Fund as is already or shall hereafter be apportioned by law to said county, or any portion thereof, whenever in their judgment they deem it best for the interest of their county.

Co'ty Commissioners may loan out school fund.

SEC. 2. *Be it further enacted*, That any note or mortgage, or other instrument or obligation in writing, which the said

Evidences of loan.

1860.

Terms of loan.

Board of County Commissioners shall take for the loan of said funds or any part thereof, shall be in the name of and payable to the said Board of County Commissioners and their successors in office, and all such loans shall not be for a longer period of time than twelve months, and that the interest accruing therefrom shall become a part of the Common School fund of said county, and shall be dealt with and disposed of as is now or shall hereafter be directed by law for the disposal of the other Common School Funds of said county.

Expenses.

SEC. 3. *Be it further enacted*, That all expenses or charges, in drawing mortgages, notes or other instruments of writing for the loan of said funds, including the recording fees, and also all fees and commissions for the collection of the same, shall be paid by the person or persons borrowing the funds, so that no part of the principal or interest shall be a loss to the Common School Fund of said county: *Provided, however*, That there shall not be any fee or commissions paid for the collection of the fund when the same shall be paid at maturity.

Passed the Senate January 15th, 1861. Passed the House of Representatives January 24th, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,206—[No. 113.]

AN ACT fixing the time for holding the Courts in the counties of Baker and Nassau.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the terms of the Circuit Court in and for the counties of Baker and Nassau shall respectively commence and be held as follows, viz: For Baker county on the fourth Mondays after the fourth Mondays in April and October; for Nassau county on the fifth Mondays after the fourth Mondays in April and October.

Terms of Court.

Passed the Senate February 13th, 1861. Passed the House of Representatives February 13th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,207—[No. 114.]

AN ACT to improve the navigation of Chipola River, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Trustees of the Internal Improvement Fund are hereby authorized and empowered to contract for clearing out the channel of Chipola river, from its mouth to the town of Marianna, for the purpose of draining the swamp and overflowed lands contiguous thereto, and for improving the navigation of said river.

Trustees of In.
Im. Fund may
contract for
cleaning out ri-
ver.

SEC. 2. *Be it further enacted,* That the Trustees of the Internal Improvement Fund are hereby authorized to pledge so much of the swamp and overflowed lands as lie on or contiguous to the said Chipola river, or the value thereof, as in their opinion may be necessary for the purposes hereinbefore mentioned.

May pledge
swamp and
overflowed ld's.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 5th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,208—[No. 115.]

AN ACT authorizing and directing the Secretary of State to furnish a Seal of Office to the Clerk of the Circuit Court of Columbia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Secretary of State be and he is hereby authorized and required to procure and furnish a seal of office to the Clerk of the Circuit Court of Columbia county, the same having been destroyed by fire.

Secretary of
State to pro-
cure and furni
seal.

Passed the House of Representatives January 21st, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

1860.

CHAPTER 1,209—[No. 116.]

AN ACT to repeal an act authorizing a Bridge Tax in Walton County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an act approved December 19, 1859, entitled an act authorizing a Bridge Tax in Walton County be, and the same is hereby repealed.

Repeal.

Passed the House of Representatives January 21st, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,210—[No. 117.]

AN ACT to Regulate the Compensation of Pilots at the Port of St. Marks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all vessels of war and merchant vessels shall be subject to the following rules of pilotage, for the bar and harbor of St. Marks: For vessels of war, drawing under twelve feet, four dollars per foot; for merchant vessels, drawing under eight feet, three dollars per foot, and over eight feet three dollars and fifty cents per foot, and over ten feet four dollars per foot.

Rates of compensation.

Repeal.

SEC. 2. *Be it further enacted,* That all regulations and laws and parts of laws conflicting with this act be and the same are hereby repealed.

Passed the House of Representatives January 29, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,211.—[No. 118.]

AN ACT to clean out and improve the navigation of Yellow River in West Florida.

repealed § C 1524-1865/93

WHEREAS the Constitution of this State declares "that a liberal system of Internal Improvements, being essential to the development of the resources of the country, shall be encouraged by the government of this State, and it shall be the duty of

Preamble.

1860.

the General Assembly, as soon as practicable, to ascertain by law proper objects of improvements in relation to roads, canals and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements," therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Yellow River in West Florida is ascertained and hereby declared to be a proper object of improvement as a navigable stream from its confluence with the Bay of St. Mary DeGalvey to the Alabama line.

Yellow river declared a proper object of improvement.

SEC. 2. *Be it further enacted,* That the State of Florida does hereby give and grant unto William D. J. Collins, Elihu J. Ragan, and William W. Tate, and to their heirs and assigns forever, all the swamp and overflowed lands belonging to the State, lying and being within six miles on either side of said Yellow river, not heretofore appropriated to Railroad purposes: *Provided,* The said William D. J. Collins, Elihu J. Ragan, and William W. Tate or their heirs or assigns, shall remove all obstructions to the navigation of said Yellow river from the banks and channel thereof from its mouth to the said Alabama line in the manner, form and time hereinafter provided for.

Grant of swamp and overflowed lands.

Conditions of grant.

SEC. 3. *Be it further enacted,* That the said William D. J. Collins, Elihu J. Ragan and William W. Tate and their heirs and assigns shall commence at the mouth of the main channel of said River and complete such improvements in sections of twenty miles to the Alabama line.

Manner of improvement.

SEC. 4. *Be it further enacted,* That upon the completion of one or more sections of twenty miles, it shall be the duty of the Commissioners hereinafter provided for to examine said completed section or sections and report to the Trustees of the Internal Improvement Fund of the State of Florida, and if approved of by said Commissioners, the said Trustees shall execute and deliver to said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, a full and perfect title, deed or deeds, to all the aforesaid swamp and overflowed lands within the aforesaid prescribed limits of such completed section or sections, as the same shall become completed and approved of by said commissioners.

Commissioners to examine and report improvement.

Trustees to perfect title.

SEC. 5. *Be it further enacted,* That said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs or assigns, shall give a bond in the sum of twenty thousand dollars payable to the Governor of the State of Florida, and his successors in office, to be approved of by the said Trustees, conditioned to pay such loss, or any loss that may accrue to the State by reason of a failure on the part of the said William D. J. Collins, Elihu J. Ragan and William W. Tate, or their heirs or assigns,

Grantors to give bond.

Condition.

1860.

to comply with the agreement and undertaking to clean out and improve as aforesaid said river.

Commissioners

SEC. 6. *Be it further enacted*, That Edwin L. Carter, William B. Amos, J. D. Leigh, Benjamin W. Thompson and Henry R. Rugeley be, and they are hereby appointed the commissioners contemplated by this act, any three of them shall be competent to act; and in case any vacancy should occur in said Board of Commissioners, the remainder shall fill said vacancy.

Vacancy.

Time when improvement sh'll be completed.

SEC. 7. *Be it further enacted*, That said William D. J. Collins, Elihu J. Ragan and William W. Tate shall be allowed ten years from and after the passage and approval of this act to complete said improvements of said river, and at the expiration of which time they shall forfeit all claim for work done on an uncompleted section of twenty miles aforesaid and shall also cancel the title deed or deeds to such swamp and overflowed land which they shall have not disposed of, and to pay into the funds of the Internal Improvement of this State the amount of money which they shall have received for swamp and overflowed lands aforesaid, sold by them.

Moneys to be paid into Int'l Im. Fund.

Compensation to Commis'sers.

SEC. 8. *Be it further enacted*, That said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, shall pay the Commissioners aforesaid the sum of five dollars per day during the time they are inspecting said improvements, going to and returning from the place or places to be inspected, and in making out their report.

Persons obstructing way.

SEC. 9. *Be it further enacted*, That any person placing any obstruction or obstructions in the way of said William D. J. Collins, Elihu J. Ragan and William W. Tate or their heirs or assigns in going on, and with completing their agreement and undertaking aforesaid, or any person or persons who shall by placing or causing to be placed any obstruction or obstructions to the navigation of any part of any completed section of twenty miles of said river, shall be guilty of a misdemeanor, and subject to an indictment, and on conviction pay a fine of not less than ten dollars nor more than five hundred, at the discretion of the Court, and shall also be liable for damages for a trespass at the suit of the said William D. J. Collins, Elihu J. Ragan and William W. Tate or their heirs or assigns.

Penalty.

Persons having settlement on swamp lands may purchase.

SEC. 10. *Be it further enacted*, That when any person shall have a settlement or an improvement upon any of the swamp and overflowed lands at the time when the said Board of Trustees shall execute and deliver a deed to the said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, for the same, they shall have the right to purchase of and pay to the said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, and pay for the same at the same price which the Trustees aforesaid shall be selling the

Price.

1860.

Limitation.

swamp and overflowed lands at: *Provided*, The party avails themselves of the right and privilege within the next three months after the date of the deed or deeds which the said Trustees shall execute and deliver to the said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, shall execute and deliver to the said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, and thereupon the said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, shall execute and deliver to the party a deed of conveyance to the lands upon which the settlement or improvement are situate, being governed thereby by the subdivisions of the public lands, and to this end the said William D. J. Collins, Elihu J. Ragan and William W. Tate, their heirs and assigns, shall give public notice in some newspaper published nearest to the place where the lands lie, of the fact that they have got a deed or deeds to the lands in a certain tract, naming it, setting out the date of the deed, and calling upon all persons who have any improvements or settlement upon said lands to come forward in the time aforesaid and pay for the same and get a deed, or otherwise they will forfeit the right of so doing.

Grantors to execute conveyance.

Notice.

SEC. 11. *Be it further enacted*, That all acts and parts of acts in contravention of, or militating against this act be, and the same are hereby repealed.

Repeal.

Passed the House of Representatives February 8th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,212—[No. 119.]

AN ACT to amend an act entitled an act to regulate the Pilotage of St. Johns Bar and River, approved January 1st, 1857.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter the Commissioners of the Pilotage for the River and Bar of St. Johns, shall appoint no person to be a Pilot of the Bar of the St. Johns, unless he shall show to the satisfaction of the said Commissioners that he owns or has the use of a decked pilot boat of not less than twenty tons burden to aid him in the discharge of the duties of his office as such pilot.

Pilot shall own or control pilot boat.

SEC. 2. *Be it further enacted*, That hereafter it shall not be lawful for a Pilot, while commanding or in charge of a tow boat towing a vessel across the said Bar, to act as Pilot of the vessel being towed; but each and every vessel towed over the said Bar

Persons commanding tow boats shall not act as pilots.

1860.

Penalty.

shall be in charge of a Pilot on board of the same; and any person violating this section, shall be punished by indictment in the Circuit Court by a fine not exceeding one hundred dollars, at the discretion of the jury.

Rates of pilotage.

SEC. 3. *Be it further enacted*, That hereafter the rates of pilotage on the said Bar, shall be for vessels drawing six feet or less, nine dollars; for vessels drawing six feet and less than ten, nine dollars for the first six feet and one dollar and a half for each additional foot; for vessels drawing over ten feet, nine dollars for the first six feet and two dollars per foot for each and every foot of draft over six feet.

Repeal.

SEC. 4. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions contained in this act, be and the same are hereby repealed.

Passed the House of Representatives February 6th, 1861. Passed the Senate February 11th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,213—[No. 120.]

AN ACT for the defence of the Port of Apalachicola.

Governor to procure field battery and arm company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Governor of this State procure a Field Battery for the defence of the Port of Apalachicola, and arm the Company called the Apalachicola Guards with Minie Muskets, or such other arms as the Governor may select.

Coast guard and signal stations.

SEC. 2. *Be it further enacted*, That the Governor shall organize a coast guard and signal station for said Port; said guard not to exceed fifteen men, exclusive of the commanding officer, who shall have the rank of second Lieutenant, who shall be governed by such rules and organized in such manner, as the Governor shall direct, and said guard shall receive such pay as the Governor shall direct: *Provided, however*, That each guard shall not receive more than twenty [20] dollars per month and one ratio per day, and the commanding officer of said guard the pay of a second Lieutenant of the army; but said guard shall not be organized or called into service until such time as the Governor in his discretion may direct.

Pay.

Passed the House of Representatives February 5th, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,214—[No. 121.]

AN ACT to provide for the Election of Tax Assessor and Collector for Sumter county and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act it thall be the duty of the Judge of Probate for Sumter county to order an election for a Tax Assessor and Collector for said county on the first Monday in October, A. D. 1861, and every two years thereafter, as is now provided by law for other counties in this State, and said Tax Assessor and Collector shall, before he enters upon the duties of his office, be required to comply with the law in such cases made and provided for other counties in this State, under the pains and penalties as is now provided by law in such cases.

Judge of Prob'e
to order elect'n.

Tax Collector
shall comply
with law.

SEC. 2. *Be it further enacted,* That the present Tax Assessor and Collector of Sumter county and his sureties shall be liable for all taxes collected for the year 1861.

Taxes for 1861.

SEC. 3. *Be it further enacted,* That all laws or parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Repeal.

Passed the House of Representatives February 6th, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,215—[No. 122.]

AN ACT regulating the Fees of Port Wardens of the city of Apalachicola and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all fees now charged by Port Wardens at Apalachicola shall be increased fifty per cent.

Fees increased.

SEC. 2. *Be it further enacted,* That all laws and parts of laws conflicting with this act be and they are hereby repealed.

Repeal.

Passed the House of Representatives February 6th, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

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CHAPTER 1,216—[No. 123.]

AN ACT to prevent persons from penning or detaining Stock without the consent of the owner in Nassau, Alachua, Wakulla and St. Johns counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter it shall not be lawful for any persons whatsoever, to pen the cattle of another without his or her consent, in the counties of Nassau, St. Johns, Wakulla and Alachua, under the penalty of being indicted therefor, and on conviction, fined in a sum not exceeding the value of the cattle so unlawfully penned as aforesaid.

Persons shall
not pen cattle
belonging to
others.

Penalty.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 11th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,217—[No. 124.]

AN ACT regulating Wharfage in the City of Apalachicola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the following rates of wharfage and rules regulating wharfage in the city of Apalachicola be and they are hereby declared to be the rules and rates which shall govern wharfage in said city, to wit:

Rates of wharf-
age.

Cotton, per bale,.....	6½ cents.
Hay, per bale,.....	6¼ "
Bales Domestics, per bale,.....	4 "
Tobacco, per box,.....	6½ "
Salt, per sack,.....	2 "
Corn, Meal, Potatoes, per sack,.....	2 "
Ploughs, each,.....	3 "
Wet and Dry Hides, each,.....	1 "
Wood, per cord,.....	25 "
Staves, per M,.....	25 "
Shingles, large, per M,.....	18¾ "
Shingles, small, per M,.....	12½ "
Bricks, per M,.....	50 "
Lumber, per M,.....	50 "
Turpentine, per bbl.,.....	3 "
Rosin, per bbl.,.....	2 "
Iron, per ton,.....	30 "

Measurement Freight, 5 cubic feet to the bbl.,.....	3 cents.	1860.
Wet and Dry Barrels, each,.....	6	"
Carriages, estimated 25 bbls. each, at 3c.....	75	"
Rockaways, estimated 20 bbls. each, at 3c.....	60	"
Buggies, 2 in a box, estimated 15 bbls. each, at 3c..	45	"
Buggies, 1 in a box, estimated 10 bbls. each, at 3c..	30	"
Mill Rocks, 20 bbls., per pair,.....	60	"
Casks Crockery, 6 bbls. each,.....	18	"
Casks Sugar and Bacon, 5 bbls. each,.....	15	"
Crates Crockery, 6 bbls. each,.....	18	"
Tierces Hams, 2 bbls. each,.....	6	"
Bales India Bagging, 6 bbls. each,.....	18	"
Coils Rope, each.....	2	"

All lumber, salt or merchandize, shipped on board vessels or steamboats, from other vessels, steamboats or rafts lying at the wharf, will be charged one wharfage only.

Wharfage on cotton or other merchandize to be paid by the consignees; and when shipped, by the party taking the bill of lading.

All goods and merchandize not enumerated above will be charged at corresponding rates.

Vessels, lighters and steamboats, lying at the wharf and not receiving or discharging freight, will be liable to pay for the use of the berth the sum of two dollars and fifty cents per day, and give way to vessels or boats landing or discharging.

The following articles of the regulations of the Apalachicola Chamber of Commerce will be strictly adhered to:

Consignees of cotton shall be allowed three days for their cotton to remain on the wharf, and purchasers two days, without incurring extra wharfage. If after notification by the Wharfinger they allow it to remain a longer time, they shall incur an extra wharfage of $6\frac{1}{4}$ cents per bale for each and every twenty-four hours that it remains thereafter.

Wood, lumber and other merchandize shall not be allowed to remain more than twenty-four hours on the wharf, without incurring an extra wharfage for each and every twenty-four hours thereafter.

The above list regulates both landing and shipping wharfage.

Provided, however, That nothing herein shall prevent the Mayor and Council of said city from changing the same from time to time, as they may see proper.

Proviso.

SEC. 2. *Be it further enacted,* That whenever any steamboat shall take on goods or merchandize in the bay for any vessel, and said steamboat shall come to any of the wharves at Apalachicola for a harbor or to its usual business, said steamboat shall be charged one wharfage, and the clerk of said boat shall furnish

Steamboats
loading from
vessels in the
bay.

1860.

the Wharfinger with a manifest of the cargo liable to wharfage under this act.

Repeal.

SEC. 3. *Be it further enacted*, That all laws or parts of laws conflicting with this act be and they are hereby repealed.

Passed the House of Representatives February 7th, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,218—[No. 125.]

AN ACT to locate the County Site of Levy county.

Qualified voters
to locate county
site.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the legally qualified voters of Levy county be and they are hereby authorized and empowered to locate the county site of said county by election.

Time, place and
manner of elec-
tion.

SEC. 2. *Be it further enacted*, That the election of a place for the county site of said county, shall be held at each election precinct in said county, on the first Monday in May, A. D. 1861, and shall be conducted in the same manner as the election for Assemblymen by law are now conducted.

Qualification of
voters.

SEC. 3. *Be it further enacted*, That no one shall be allowed a vote for said county site unless he, at the time of offering to vote, be a legal voter for the office of Assemblymen of said county; and the inspectors of the election shall observe the same forms, and be governed by the same rules now required by law for the election of Assemblymen.

Rules of elect'n

Vote by ballot.

SEC. 4. *Be it further enacted*, That each voter shall write the name of the place by him desired for said county site on a ticket, and hand it to the inspectors, who shall receive the same and deposit it in a box or some safe place, to be by them counted when the polls are closed.

Returns.

SEC. 5. *Be it further enacted*, That the polls shall be opened and closed at the same times now provided by law for holding elections; and that after the polls are closed, the votes shall be counted out by the inspectors, who shall certify or return the number of votes that each place got, and forward the returns to the Judge of Probate of said county in the same manner that returns for Assemblymen are forwarded; and the Judge of Probate, on receiving the returns from each precinct, shall proceed to canvass the same as he is required to canvass the election returns for Assemblymen.

Canvass.

SEC. 6. *Be it further enacted*, That the Judge of Probate shall,

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after canvassing the said votes, cause the result of the canvass to be published in the Telegraph, a newspaper published at Cedar Key, and also to post the same up in some conspicuous place at the present county site of said county, and to keep a fair record of the same in his office.

Result of election to be published.

SEC. 7. *Be it further enacted*, That the place receiving the greatest number of votes after the same is published as aforesaid, shall be and the same is hereby declared the county site of Levy county, and the several Courts of said county that are now required by law to be held at the county site, shall be held at said place as soon as proper arrangements can be made by the County Commissioners for the same; and the public records of said county shall be moved to the county site selected as herein provided.

County site.

Public records to be moved.

SEC. 8. *Be it further enacted*, That the Judge of Probate of said county shall order an election and give the same notice at the several precincts, appoint inspectors of election in the same manner now provided by law for the election of Assemblymen.

Inspectors and notice of elec'n.

SEC. 9. *Be it further enacted*, That the same fees and expenses shall be allowed as are now by law allowed for holding elections, and an additional fee for advertising in the Telegraph, the same to be paid out of the county treasury.

Expenses.

Passed the House of Representatives January 20th, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,219—[No. 126.]

AN ACT respecting the Sale of Vinous or Spiritous Liquors to Slaves or Free Persons of Color in the Cities of Apalachicola and Fernandina.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act all violations of the laws of this State relating to the sale of vinous or spiritous liquor to slaves or free persons of color, committed within the corporate limits of the city of Apalachicola, shall be heard and determined by and before the Mayor's Court of said city, under such ordinances as may be passed by the City Council thereof, and not repugnant to the laws of this State.

Violations of law cognizable in Mayor's Co't.

Ordinances of city.

SEC. 2. *Be it further enacted*, That all such causes shall be tried by a jury of twelve freeholders, to be summoned in the same manner as the jury authorized by an act to establish a Mayor's Court for the city of Apalachicola, approved 15th March, 1844, is now required to be summoned.

Jury.

1860.

Payment of in-
formers.Penalty for abu-
sing same.City of Fernan-
dina.

SEC. 3. *Be it further enacted*, That should the City Council of said city at any time hereafter, by ordinance, provide for the payment of informers against persons for selling or giving vinous or spiritous liquor to any slave or free person of color, and any person or persons so informed against shall assault, beat, main, wound, ill treat, defame or abuse any such informer, he, she or they shall be liable to indictment in the Circuit Court of Franklin county, and on conviction be liable to a fine of not less than one hundred nor more than five hundred dollars, at the discretion of the Court.

SEC. 4. *Be it further enacted*, That the provisions of this act be and the same are hereby extended to the city of Fernandina.

Passed the House of Representatives February —, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,220—[No. 127.]

AN ACT to improve the navigation of the Withlacoochee River and to reclaim the Swamp and Overflowed Lands on said Stream.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Trustees of the Internal Improvement Fund be and are hereby authorized and empowered to contract for the cleaning out of the Channel of the Withlacoochee River as far up said river as they may deem expedient and practicable, for the purpose of improving the navigation of said river, and for the purpose of draining the swamp and overflowed lands contiguous thereto.

SEC. 2. *Be it further enacted*, That the Trustees of the Internal Improvement Fund are authorized to pledge alternate sections of swamp and overflowed lands for three miles wide on each side of said river, or so much thereof as is necessary for the purposes hereinbefore provided for.

Passed the House of Representatives February 12th, 1861. Passed the Senate February 13th, 1861. Approved by the Governor February 14th, 1861.

Trustees of In.
Im. Fund may
contract for
cleaning out ri-
ver.May pledge
swamp & over-
flowed lands.

CHAPTER 1,221—[No. 128.]

AN ACT providing for the punishment of such persons as pretend to hold offices in this State not recognized by the laws thereof and for other offences.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the Governor of this State, from time to time, as the public interest may require, to publish his proclamation prohibiting any person whatsoever from holding or pretending to hold any office or offices, in the said proclamation to be named, heretofore existing in this State under the authority of the late Federal Union; and any person who shall, after the date of the said proclamation, knowingly and wilfully undertake or attempt to discharge any of the duties of any such office, or pretend still to hold the same, shall be indicted therefor, and on conviction, shall be imprisoned not less than one year at the discretion of the Court.

Governor shall make proclamation,

Penalty for holding or pretending to hold said offices.

SEC. 2. *Be it further enacted,* That in the event of any actual collision between the troops of the late Federal Union and those in the employ of the State of Florida, it shall be the duty of the Governor of this State to make public proclamation of the fact, and thereafter a violation of the first section of this act or any other recognition of the jurisdiction of the late Federal Union, shall be treason, and the person thereof convicted shall suffer death.

In case of war.

Treason.

Passed the House of Representatives February 11th, 1861. Passed the Senate February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,222—[No. 129.]

AN ACT to authorize the Board of Port Wardens of the Port of Jacksonville to appoint Stevedores, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That after the passage and approval of this act it shall be the duty of the Port Wardens of the port of Jacksonville to appoint a sufficient number of stevedores from applicants, who shall be white men and citizens of the State of Florida, and whose characters and qualifications shall, in the estimation of the Board of Port Wardens, be suitable for such office, to whom shall be

Port Wardens to appoint stevedores.

Qualification.

1860.

Certificate.

Colored stevedores.

Port of Pensacola.

given a certificate of such appointment, which can, for any sufficient cause, be at any time recalled by said Board.

SEC. 2. *Be it further enacted*, That the provisions of this act shall not prevent the employment of colored stevedores on board of such vessels where the owner or agent of such vessel is a citizen of the State of Florida, or the vessel is loaded under his supervision; but when the captain of any vessel loading is a citizen of a non-slaveholding State or country, and there is no resident agent of such vessel to superintend its loading, then it shall be necessary for said captain to employ at least one such white stevedore, appointed as provided in section first of this act.

SEC. 3. *Be it further enacted*, That the provisions of the above act shall be equally applicable and be in force at the port of Pensacola, and the Board of Port Wardens of said port of Pensacola shall be authorized and required to appoint such stevedores as herein required and provided for the Port of Jacksonville.

Passed the House of Representatives February 13th, 1861. Passed the Senate February 14th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,223—[No. 130.]

AN ACT to re-organize the county of Brevard and for other purposes.

Election of co'y officers.

Circuit Court.

Election of magistrates.

Reorganization of county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That for the purpose of a more efficient organization of the county of Brevard, there shall be an election held at the different precincts in said county, according to the election laws of this State, on the first Monday in March next, for a Judge of Probate, four County Commissioners, Clerk of the Circuit Court and Sheriff of said county, to hold their election [offices] until the regular election in eighteen hundred and sixty-three.

SEC. 2. *Be it further enacted*, That the Sheriff and Clerk so elected, shall make a return of all writs, subpoenas, summons, &c., in all matters relating to the Circuit Court to the Circuit Court of Volusia county.

SEC. 3. *Be it further enacted*, That there shall also be had at the different precincts on said day, an election for magistrates in said county.

SEC. 4. *Be it further enacted*, That on the receipt of the commission of said officers so elected, they shall proceed to re-organize said county immediately and appoint regular terms for the

1860.

holding of the county Court of said county, and that all laws conflicting with this act be repealed.

Passed the House of Representatives January 21st, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,224—[No. 131.]

AN ACT to authorize William J. J. Duncan and Elizabeth Zipperer, to establish a Toll Bridge across the Suwannee and Alapaha Rivers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That William J. J. Duncan, of Hamilton county, and Elizabeth Zipperer, of Suwannee county, be and they are hereby authorized to establish a bridge across the Suwannee and Alapaha rivers, at Zipperer's Ferry, for the term of twenty years from the passage of this act.

May establish bridge.

Limitation.

SEC. 2. *Be it further enacted,* That the said William J. J. Duncan and Elizabeth Zipperer, their heirs and assigns, shall at all times keep a good and sufficient bridge to cross loaded wagons and teams, and they shall receive such rates of toll as shall or may be established by the Board of County Commissioners of Hamilton county, to be subject to the orders of said Commissioners.

Tolls.

SEC. 3. *Be it further enacted,* That if the said William J. J. Duncan and Elizabeth Zipperer, their heirs or assigns, shall fail to build the said bridge within twelve months after the passage of this act, then the rights and privileges granted by this act are and shall be null and void.

Failure to construct bridge.

SEC. 4. *Be it further enacted,* That no person or persons shall be allowed to establish a ferry or bridge within ten miles of said bridge.

Exclusive privilege.

Passed the House of Representatives January 24th, 1861. Passed the Senate January 31st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,225—[No. 132.]

AN ACT to amend the School Laws of this State so far as has reference to the Counties of Columbia, Suwannee, New River, Lafayette, Nassau and Sumter.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act it shall be the duty of

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Judge of Probate to appoint School Trust's.

Teachers.

the Judges of Probate of the counties of Columbia, Suwannee, New River, Lafayette, Nassau and Sumter, to appoint three persons in each Justice's Court District in said counties as School Trustees.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Trustees and said Judges of Probate to employ such Teacher or Teachers in said district as the number of children and amount of school funds may justify or require, such Teacher or Teachers to be examined by said Judges of Probate and Trustees of each district respectively, before they take charge of any school or schools.

Duties of Trustees.

SEC. 3. *Be it further enacted*, That it shall be the duty of said Trustees in their respective districts to see that said schools are conducted in such manner as may be best calculated to advance and promote the education of the children in said district.

Teacher's accounts for tuition.

SEC. 4. *Be it further enacted*, That upon the expiration of either of said schools, the Teacher must prepare his account against the Judges of Probate of said counties as treasurer of the school fund thereof, for the tuition of such children as may be taught by him between the ages of eight and fifteen, at the rates of six cents per day, which account must be sworn to before some judicial officer and accompanied by the certificate of the Trustees of the district where such school was kept, which account the Judges of Probate shall pay, or such pro rata share thereof as the school funds may justify, and the teachers of all schools taught under the provisions of this act must present their accounts to the Judges of Probate of said counties by the first day of January and July of each year.

Repeal.

SEC. 5. *Be it further enacted*, That all laws and parts of laws militating against this act be, and the same are hereby repealed.

Passed the House of Representatives January 19th, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,226—[No. 133.]

AN ACT for the relief of Clinton Thigpin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller do issue a warrant on the Treasury of this State in favor of Clinton Thigpin, late Sheriff of Franklin county, for two hundred and thirty-three dollars and sixty five cents [\$233 65] for services rendered by him in criminal cases.

Passed the House of Representatives February 8th, 1861. Passed the Senate February 11th, 1861. Approved by the Governor February 13th, 1861.

Comptroller to issue warrant.

CHAPTER 1,227—[No. 134.]

AN ACT for the relief of William H. Fannen.

WHEREAS, The Comptroller of the State of Florida did, on the twenty-fifth day of July, A. D., in the year one thousand eight hundred and fifty-three, issue a State scrip for the sum of fifty-three dollars and sixty-nine cents to William T. Brown, a private in a company commanded by Capt. Enoch E. Mizell, by virtue of an act entitled an act to provide for the payment of Captains Sparkman, Parkers, and other volunteer companies, for services in the year 1849, approved Jan'y 7th, 1852; *And whereas*, The said William T. Brown afterwards assigned and delivered the said scrip to the said William H. Fannen; *And whereas*, The said scrip become lost or destroyed from the knowledge, custody or control of the said William H. Fannen; therefore—

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of this State be requested and instructed to issue a duplicate of said scrip, provided the said William T. Brown first make an affidavit that he did assign and deliver this said original scrip to the said Fannen, and that the said Fannen also make and file with the Comptroller an affidavit that the said original scrip has been lost or destroyed out of his possession so that it is not within his knowledge, custody or control; *And provided further*, That the said William H. Fannen execute and file in the office of the Comptroller a good and sufficient bond, to be approved by the Judge of the Circuit Court or the Solicitor of the Southern Judicial District of Florida, in at least double the amount of said scrip, conditioned to indemnify the State against all charges and losses that it may be put to by reason of the issuing of said duplicate scrip.

Comptroller to issue duplicate scrip.

Evidence.

Bond.

Passed the House of Representatives January 29th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,228—[No. 135.]

AN ACT for the relief of Donald Cameron, Justice of the Peace for Leon county.

WHEREAS, At the adjourned session of the General Assembly, A. D. 1859, the militia bill passed making it the duty of the Captains of Beat Companies to return all defaulters to a Jus-

Preamble.

1869.

tice of the Peace, to bring suit for the recovery of fines, and said suits should be brought in the name of the State of Florida; *And whereas*, The said Donald Cameron brought suits aforesaid and said defaulters were excused from attending said musters by rendering excuses of sickness, some were discharged by physician's certificate and not being able to perform militia duty, some were dismissed by the sheriff, notifying said Cameron of some having paid their fine bills exempting them by law; therefore—

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts be and he is hereby authorized to audit and allow to the said Cameron the amount of costs due him for costs in the said cases: *Provided*, That he shall satisfy the said Comptroller that he did perform said service, and that the Paymaster General be authorized to pay the same out of the military fund.

Passed the Senate February 5th, 1861. Passed the House of Representatives February 8th, 1861. Approved by the Governor February 12th, 1861.

Costs to be
paid.

CHAPTER 1,229—[No 136.]

AN ACT for the relief of Satrenne Ramirez and others, inhabitants of the County of Escambia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Saturne Ramirez, Mijuel Ramirez, Rosa Ramirez, Joseph Goumarin, Alexander Goumarin, John Garetta, Emelita Garetta, Vincente Mingaro, Juana Mingaro, Salvador Pous, John Pous, Joseph Pous, (Mrs.) Salvador Pous, Anna Pous, J. S. F. Roberts, Filomena Roberts, Ambrose Vaughan, Edmund Vaughan, William Vaughan, Tabitha Vaughan, (Mrs.) Edmund Vaughan, Clemir D. Ruby, Merad Ruby, Thomas Carr, Joseph Durant, Ysabel Durant, Heraldo Hernandez, Randolph Hernandez, (Mrs.) Heraldo Hernandez, Vincente Preval, (Mrs.) Joseph Durant, William Bell, (Mrs.) William Bell, Sebastian Serra, Thomas Sunday, Harrison Sunday, B. Sunday, Esteban Barrios, Fernando Barrios, Catalan Barrios, Maria Barrios, Francisco Casiano, (Mrs.) Francisco Casiano, Valunt Bonal, Caroline Bonal, F. B. Simes, Francis Perez, Pierre Delane, Jose Wyer, Pedro Roche, Sorengo Roach, Ysabel Roach, August Sevalier, (Mrs.) August Sevalier, Sirilo Gaynet, Dolores Reyes, Maneta Marchan, Panbli-

1860.

na Corson, Catalina Filloo, Catalina Augusten, Maria Moreno, and Ysabel Suchet, natives of the State of Florida, and Spanish subjects, and the descendants of Spanish subjects prior to the treaty of peace and amity between the King of Spain and the late government of the United States of America, be, and the said persons are hereby relieved and exempted from the operation of the acts approved December 23d, 1856, entitled an act to amend an act entitled an act to authorize Judges of Probate of the several counties in this State to appoint Guardians for Free Negroes, and an act to prevent trading with free persons of color in this State.

Exemption.

SEC. 2. *Be it further enacted*, That all laws coming in conflict with the intent and meaning of this act be, and the same are hereby repealed.

Repeal.

Passed the House of Representatives January 24th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 13th, 1861.

CHAPTER 1,230—[No. 137.]

AN ACT to allow A. J. Baker, of the county of Volusia, to practice Medicine in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be lawful for A. J. Baker, of the county of Volusia, to practice Medicine within the bounds of said county and to receive a reasonable compensation for his services as a practicing physician.

May practice medicine.

Passed the House of Representatives January 24th, 1861. Passed the Senate January 31st, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,231—[No. 138.]

AN ACT for the relief of Walton county relative to the School Fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts of this State is hereby authorized and required to issue a warrant upon the Treasury in

1860.

Interest of sch'l
fund.

favor of the Judge of Probate of Walton county, for the amount of the interest of school fund due said county by virtue of the apportionments of the Register of State Lands made previous to the 1st of July, A. D. 1860.

Passed the House of Representatives January 26th, 1861. Passed the Senate January 30th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,232—[No. 139.]

AN ACT for the relief of Howell A. Baisden, former Sheriff and Tax Collector of the county of Putnam.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be and is hereby authorized and required to audit and draw his warrant upon the Treasury, for any amount of balance on account which may be allowed by the County Commissioners of the county of Putnam, to Howell A. Baisden, former Sheriff and Tax Collector of the said county of Putnam, on account of insolvencies and overcharges; and that the Treasurer be hereby required to pay out of the Treasury the amount so audited by the Comptroller, into the hands of the said Howell A. Baisden.

Insolvencies &
overcharges.

Passed the House of Representatives January 17th, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,233—[No. 140.]

AN ACT for the relief of Halstead H. Hoeg and his assignees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the deed of conveyance made and executed on the 14th day of October, A. D. 1854, between John B. Howell, guardian of Eliza Jones, a minor of Duval county, Florida, and Halstead H. Hoeg of the same county, for divers lots of land, situate, lying and being in the town of Jacksonville, in said county, which said deed of conveyance was made under, by virtue and in pursuance of an order granted by the Judge of Probates for Duval county, be and the same is hereby declared to be as valid and binding

Deed of convey-
ance made va-
lid.

upon the estate and interest of the said minor, Eliza Jones, as if the said deed of conveyance had been executed under, by virtue and in pursuance of a decree of the Circuit Court for said county of Duval.

Passed the Senate February 4th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,234—[No. 141.]

AN ACT to allow Mathew L. McKinny to assume the management of his own Estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Mathew L. McKinny, a minor, of New River county, of this State, be and he is hereby authorized and empowered to assume the management and control of his own estate.

May assume the management of his own estate.

SEC. 2. *Be it further enacted,* That all receipts, bonds, obligations or contracts of whatever nature hereafter given, made or entered into by him, the said Mathew L. McKinny, shall be and are hereby declared as valid and binding in law and in equity as if the same had been given, made or entered into after he had attained the age of twenty-one years, and he is hereby made capable of suing and being sued, of pleading and being impleaded, in any Court of law or equity in this State; and also further to relieve J. B. F. McKinny, as guardian, from said estate.

Receipts, &c., valid.

May sue and be sued.

Passed the House of Representatives January 18th, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,235—[No. 142.]

AN ACT to change the name of Catharine A. Joyner.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Catharine A. Joyner of Leon County, Florida, is hereby changed to Catharine A. Brown, and by that name she shall hereafter be known and called, and contract and be contracted with.

Name changed.

Passed the Senate November 30th, 1860. Passed the House of Representatives February 11th, 1861. Approved by the Governor February 13th, 1861.

1860.

CHAPTER 1,236—[No. 143.]

AN ACT for the relief of James McCormick.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act it shall be lawful for James McCormick to sell goods, wares and merchandize as a pedler in this State, without being subjected to tax for the same.

May peddle
without licence

Passed the Senate January 29th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,237—[No. 144.]

AN ACT for the relief of A. D. Rogero, Sheriff of St. Johns county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller be and he is hereby authorized and required to examine the claim of A. D. Rogero, Sheriff of St. Johns county, and if, in his opinion, said claim is a just and proper demand against the State, that he credit the same and draw his draft on the Treasury for the amount by him approved.

Comptr'r shall
examine claim.

Passed the House of Representatives January 15th, 1861. Passed the Senate January 29th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,238—[No. 145.]

AN ACT to change the name of Nepey Williams to that of Nepey Cheshire.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act the name of Nepey Williams of Hamilton County be, and the same is hereby changed to that of Nepey Cheshire.

Name changed.

Passed the Senate January 16th, 1861. Passed the House of Representatives January 25th, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,239—[No. 146.]

AN ACT to change the name of Martha Anne Barnes to that of Mary Harriet McClelland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Martha Anne Barnes be and the same is hereby changed to that of Mary Harriet McClelland, by which said name the said Martha Anne Barnes shall hereafter be designated and known, and under which said name the said Martha Anne Barnes may do and perform, give and receive, and in all things act and be proceeded against as fully and effectually as if the said name of Mary Harriet McClelland had always been borne by her.

Name changed.

Passed the Senate January 22nd, 1861. Passed the House of Representatives January 28th, 1861. Approved by the Governor February 2nd, 1861.

CHAPTER 1,240—[No. 147.]

AN ACT to authorize and empower Florida A Stanley to assume the management of her own estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Florida A. Stanley, a minor, be, and she is hereby authorized to assume the management of her own estate.

May assume the management of her own estate.

SEC. 2. *Be it further enacted,* That the said Florida A. Stanley be, and she is hereby empowered to contract and be contracted with, and all contracts entered into by her shall be as valid in law as though she had attained the age of twenty-one years.

May contract and be contracted with.

Passed the Senate January 24th, 1861. Passed the House of Representatives January 28th, 1861. Approved by the Governor February 2d, 1861.

CHAPTER 1,241—[No. 148.]

AN ACT for the relief of James C. McArthur, former Sheriff of Santa Rosa County.

WHEREAS, the executions issued in the cases named and set out in the report made to the Comptroller by the Clerk of the

1860.

Preamble.

Circuit Court of Santa Rosa County, fines for spring term 1859, amounting in all to the sum of one hundred and seventy six dollars and ninety-four cents, and placed in the hands of James C. McArthur, the then acting sheriff of said County, were all returned into the Clerk's office of said County, "No property to be found," where they now remain, except one which is now in the hands of the present Sheriff of said County, the said McArthur not having been able to collect the whole or any part of any of them, but the amount aforesaid now stands charged against said McArthur on the books of the Comptroller's office, and the Comptroller not feeling himself justifiable without an act of the Legislature authorizing him to do so, to give the said McArthur a credit for the same; therefore, for remedy whereof,

Comptroller to
audit account.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to credit the account of James C. McArthur, former sheriff of Santa Rosa County, with the sum of one hundred and seventy-six dollars and ninety-four cents, which amount stands charged against him for fines reported by the Clerk of the Circuit Court for said County for Spring Term, 1859.

Passed the Senate January 22d, 1861. Passed the House of Representatives January 28th, 1861. Approved by the Governor February 2d, 1861.

CHAPTER 1,242—[No. 149.]

AN ACT to permit Erasmus M. Thompson, of Hillsborough county, to practice Law in the several Courts of this State.

May practice
law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Erasmus M. Thompson, a minor, be and he is hereby permitted to practice law upon his being first examined and found qualified according to the rules of practice and the laws of this State.

Passed the House of Representatives January 25, 1861. Passed the Senate February 4th, 1861. Approved by the Governor February 5th, 1861.

CHAPTER 1,243—[No. 150.]

AN ACT for the relief of Edward M. West, Justice of the Peace for Leon county.

WHEREAS, At the adjourned session of the General Assembly, A. D. 1859, the Militia bill passed, making it the duty of Captains of Beat Companies to return all defaulters to a Justice of the Peace to bring suit for the recovery of fines, and said suits should be brought in the name of the State of Florida; *And whereas*, The said Edward M. West brought suits aforesaid, and said defaulters were excused from attending said musters by rendering excuses of sickness, some were discharged by Physician's certificate and not being able to perform military duty, some were dismissed by the Sheriff, notifying said West of some having paid their tax bills, exempting them by law; therefore—

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts be and he is hereby authorized to audit and allow to the said West the amount of costs due him for costs in the said cases: *Provided*, That he shall satisfy the said Comptroller that he did perform said services, and that the Paymaster General be authorized to pay the same out of the military fund.

Comptroller to audit account.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,244—[No. 151.]

AN ACT for the relief of George G. Holt and Thaddeus Rees, of Wakulla county.

WHEREAS, On the 11th day of November last, T. W. Brevard, late Comptroller, issued warrant number 836, for twenty-one dollars and seventy-five cents (\$21.75) in favor of George G. Holt, and warrant number 837, for nine dollars and nineteen cents (\$9.19), which was sent by mail to the said George G. Holt, and which warrants were lost in the mail and have never been received by said Holt and Rees; therefore—

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller be and he is hereby authorized to issue duplicate warrants for the said amount: *Provided*, That the said George G. Holt and Thaddeus Rees shall prove to the satisfac-

Comptroller to issue duplicate warrants.

1860.

tion of the Comptroller the loss of said warrants, and the Treasurer is hereby required to pay the said duplicates and not to pay the originals.

Passed the House of Representatives January 29th, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,245—[No. 152.]

AN ACT for the relief of Joseph B. Wood of Columbia County.

Preamble.

WHEREAS, the Court House of Columbia County was totally destroyed by fire on the night of the 20th September last, together with the Clerks, Sheriffs and Probate Offices, and all the records pertaining thereto: *And whereas*, there is due and unpaid to Joseph B. Wood, Clerk of said Court, the sum of fifty dollars by the State of Florida, for his costs in criminal cases, dismissed or otherwise disposed of, at the cost of said State, at the spring term of the Circuit Court of said County; therefore,

Comptroller to
audit and allow
accounts, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Auditor be, and he is hereby authorized and required to audit and allow the said sum of fifty dollars in settling the account of the said Joseph B. Wood as Clerk as aforesaid, and draw his warrant on the State Treasurer for the same, in the same manner as if the said Joseph B. Wood's report and account was regularly presented for settlement: *Provided*, That the said Joseph B. Wood shall first make affidavit before some legal officer that the State is justly indebted to him in said amount.

Affidavit.

Passed the Senate November 29th, 1860. Passed the House of Representatives January 17th, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,246—[No. 153.]

AN ACT to authorize Henry C. Grovenstine, a minor, to plead and practice law.

May practice
law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, Henry C. Grovenstine, a minor, of Hamilton county, be and he is hereby author-

ized to plead and practice law in the several Courts of Law and Equity of this State as though he was of full age: *Provided*, He undergo the usual examination required by the laws now in force regulating the admission of attorneys.

SEC. 2. *Be it further enacted*, That all laws or parts of laws militating against the foregoing, be and the same are hereby repealed.

Repeal.

Passed the House of Representatives January 30th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,247—[No. 154.]

AN ACT to change the name of Thomas J. Danford to Thomas J. Cook, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the name of Thomas J. Danford be and the same is hereby changed to Thomas Jefferson Cook.

Name changed.

SEC. 2. *Be it further enacted*, That the said Thomas J. Danford, whose name by the first section of this act is changed to Thomas Jefferson Cook, shall be and he is hereby constituted and made heir at law of James and Martha Cook.

Made heir at law.

Passed the Senate January 18th, 1861. Passed the House of Representatives January 25th, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,248—[No. 155.]

AN ACT to make Senean Brown, wife of Henry Brown, a free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Senean Brown, wife of Henry Brown of Santa Rosa County, State of Florida, be and she is hereby authorized, constituted, and empowered, to contract and be contracted with, to plead and be impleaded, to take and give titles to property, and to hold and enjoy property of every description, as amply and fully as though she was a feme sole, independent of and without the consent of her said husband.

May contract and be contracted with, &c,

SEC. 2. *Be it further enacted*, That she shall have full power

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Free dealer.

and authority to dispose of her property of every description, by Will or otherwise, or to create a lien on the same by Mortgage, without the consent of, or her husband joining her therein, hereby making her to all intents and purposes a free dealer, as fully and amply as though she were an unmarried woman.

Passed the Senate January 9th, 1861. Passed the House of Representatives January 21st, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,249—[No. 156.]

AN ACT to change the name of Elizabeth Lovett.

Name changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Elizabeth Lovett be and the same is hereby changed to that of Elizabeth Parish, and the said person mentioned shall be no longer known by any other name than that conferred upon her by this act.

Passed the House of Representatives February 1st, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,250—[No. 157.]

AN ACT for the relief of William G. Parker, Sheriff of Suwannee county.

Comptroller to
audit account.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts is hereby authorized and required to credit upon his books William G. Parker, Sheriff of Suwannee county, with three hundred and eighty-eight dollars and thirty cents.

Passed the House of Representatives January 30th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,251—[No. 158.]

AN ACT for the relief of T. C. Bolling, as Administrator of the estate of R. A. Child, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be and he is hereby required to issue a warrant upon the Treasurer of this State in favor of Thadeus C. Bolling, Administrator of the estate of R. A. Child, deceased, for the sum of twenty-seven dollars and forty-eight cents, it being an amount of money erroneously paid into the Treasury of this State through the Tax Collector of Alachua County in 1856, which said sum had before that time been paid to the Tax Collector of Marion County, and was afterwards by mistake again paid to the Tax Collector of Alachua County as aforesaid.

Comptroller to
issue warrant.

Passed the House of Representatives January 26th, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 12th, 1861.

CHAPTER 1,252—[No. 159.]

AN ACT for the relief of General William E. Anderson and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller be required to audit and the Treasurer to pay the accounts of Gen. Wm. E. Anderson and others under his command, for military services performed, and provisions and all other expenses incurred in furnishing to the militia of the Western Brigade of this State, under command of Gen. William E. Anderson, going to, from and in the county of Calhoun, during the recent out-break in said county.

Comptroller to
audit accounts.

SEC. 2. *Be it further enacted,* That whenever any account contemplated by the first section of this act shall be presented to the Comptroller, before said account shall be audited and allowed by him, he shall require the party presenting said account to make affidavit, that the charges made for services performed were actually rendered or the materials charged for actually furnished, and the prices charged are reasonable and just.

Affidavit.

SEC. 3. *Be it further enacted,* That in addition to the affidavit of said party, he shall also produce the certificate of the com-

1860.

Certificate of
commandi'g. of-
ficer.

manding officer or officers, by whose order the materials were furnished or supplies procured, that the services were actually performed or materials furnished at the times and places specified in said account, and that the prices charged therefor are reasonable and proper.

Passed the Senate December 1st, 1860. Passed the House of Representatives January 26th, 1861. Approved by the Governor January 29th, 1861.

CHAPTER 1,253—[No. 160.]

AN ACT for the relief of Joseph Atzerotte.

Restored to pri-
vileges of citi-
zen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Joseph Atzerotte be and he is hereby restored to all the privileges of a citizen of the State of Florida.

Repeal.

SEC. 2. *Be it further enacted,* That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,254—[No. 161.]

AN ACT for the relief of James D. Smith.

May practice
medicine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Dr. James D. Smith be and he is hereby authorized to practice Medicine in the counties of Hillsborough and Brevard, or in any new county formed from said counties.

Repeal.

SEC. 2. *Be it further enacted,* That all laws or parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 8th, 1861.

CHAPTER 1,255—[No. 162.]

An ACT making appropriations for the expenses of the State Government for the fiscal year 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the following sums be and are hereby appropriated for the fiscal year 1861:—T. J. Eppes, President of the Senate, \$394; James Abercrombie, 327; A. S. Baldwin, 256; Giles Bowers, 213; P. B. Brokaw, 117; Geo. W. Call, 273; John Chain, 304; D. C. Dawkins, 171; R. H. M. Davidson, 128.60; W. J. Duncan, 185; John Finlayson, 161; Tilman Ingram, 280; W. B. Jones, 190; J. T. Magbee, 345.75; W. W. McCall, 160; J. W. McQueen, 215; S. St. George Rogers, 299; J. D. Stark, 433; E. E. Simpkins, 303; H. Walker, 161; F. Watlington, 573; B. F. Parker, Secretary of the Senate, 245; R. L. Bruce, Assistant Secretary, 156; T. B. Barefoot, Assistant Secretary, 56; Wm. Harris, Engrossing Clerk, 32; E. M. West, Enrolling Clerk, 161; F. Ellis, Assistant Enrolling Clerk, 20; Luke Lott, Engrossing Clerk, 211; W. G. Lester, Messenger, 128; John White, 230; Rev. Dr. DuBose, Chaplain, 50; J. B. Galbraith, Speaker House of Representatives, 252; B. W. Bellamy, 175; P. B. Bird, 131; Theodore Bissell, 609; A. C. Blount, 327; G. L. Bowne, 453; C. L. Broxson, 221; A. A. Canova, 258; A. Campbell, 147; J. P. Carter, 129; T. N. Clyatt, 299; C. C. Coffee, 163; J. N. J. Collins, 173; A. S. Cole, 129; J. V. Dansby, 169; J. H. Haddock, 285; G. E. Hawes, 320; D. P. Holland, 217; N. W. Holland, 331; J. Howell, 347; D. W. Holloman, 133.40; N. A. Hull, 203.60; J. A. Lee, 328; S. B. Love, 130.80; D. H. Mays, 156.20; A. H. McCormick, 265; N. J. McKinnon, 223; G. W. Means, 275; Wm. Mickler, 303; D. Mizell, 380; W. C. Newbern, 193; A. Oliver, 117.60; J. Parker, 408; J. H. Pooser, 178; J. Price, 193.80; A. Richardson, 373; J. L. Robinson, 171; J. S. Russell, 131.40; W. H. Scott, 126.20; Q. Stewart, 179; G. VanZant, 201; D. A. Vogt, 304; H. H. Wells, 195; Jos. John Williams, 135; J. Wilkinson, 307; N. Yates, 447.40; A. J. Peeler, Chief Clerk, 245; W. F. Bynum, Assistant Clerk, 156; — Kilby, Sergeant-at-Arms, 32; J. Tompkins, Messenger, 156; A. B. Campbell, Door-Keeper, 156; W. McPherson, Enrolling Clerk, 156; V. Clem, Engrossing Clerk, 156; W. H. Andrews, Assistant Sergeant-at-Arms, 124; Rev. Mr. Ellis, Chaplain, 50; Abraham, servant, 39; C. H. Fisher, Assistant Clerk, 30; for extra aid in Enrolling and Engrossing to W. McPherson, 57; for writing up House Journals of 1860 and 1861, 200.

For Dyke & Carlisle, Editors of the Floridian & Jour-

Appropriation.

1860.

nal, and E. A. Hart, Editor of the Sentinel, and for miscellaneous printing, journals, laws, and general laws for distribution, passed at the present session, according to terms of contract, to be audited by the Comptroller of State,.....	\$5,500 00
For McDougall & Hobby, Stationery, and candles and for contingent expenses of this session,.....	364 16
For B. F. Corlies & Macey bill, record books for House and Senate,.....	114 76
SEC. 2. <i>Be it further enacted</i> , That the following sums be and they are hereby appropriated for the fiscal year 1861, to-wit:	
For salaries of public officers,.....	\$30,000 00
For Jurors and Witnesses,.....	20,000 00
For criminal prosecutions and contingent expenses	
Circuit Courts,.....	20,000 00
For contingent fund,.....	10,000 00
For contingent expenses Supreme Court,.....	2,000 00
For interest on State debt,.....	27,000 00
For maintainance of Lunatics,.....	2,000 00
For residence of Governor,.....	500 00
For Post Mortem examinations,.....	400 00
For balance general Convention,.....	3,000 00
For surveying public lands in this State,.....	5,000 00
For Hon. B. A. Putnam, for extra services in attendance on Supreme Court,.....	400 00
For general Convention to be re-assembled,.....	10,000 00

Passed the House of Representatives February 13th, 1861. Passed the Senate February 13th, 1861. Approved by the Governor February 14th, 1861.

CHAPTER 1,256—[No. 163.]

AN ACT making certain appropriations for the support of the Government.

Appropriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That there shall be and is hereby appropriated the following sums out of any money in the Treasury not otherwise appropriated, viz:

For the pay of Jurors and State witnesses the sum of. . .	\$10,000
For the expenses of criminal prosecutions the sum of. . .	10,000
For the expenses of this General Assembly the sum of. . .	10,000
For the expenses of the Constitutional Convention the sum of. . .	10,000

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For the support of lunatics the sum of.....	1,000
And to the Contingent Fund the sum of.....	3,000
And the Treasurer is authorized to pay the Comptroller's war-	
rant for the said amounts.	

1860.

Passed the Senate November 29th, 1860. Passed the House of Representatives December 1st, 1860. Approved by the Governor December 1st, 1860.

CHAPTER 1,257—[No. 164.]

AN ACT for the relief of M. D. Papy and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller be and he is hereby authorized and required to allow, and the Treasurer to pay M. D. Papy, Attorney General, two hundred dollars for his services in reporting the decisions of the Supreme Court which were destroyed by the fire which consumed the office of the Floridian & Journal in August last.

Comptroller to allow pay for services, &c.

SEC. 2. *Be it further enacted,* That the said Comptroller and Treasurer be and they are hereby authorized and required to audit and pay to Messrs. Dyke and Carlisle the amount due them by their contract for printing done on the Supreme Court Reports which were destroyed by the said fire in August last, in the same manner as if said reports had been delivered to the Secretary of State.

Pay for printing Reports.

Passed the Senate January 28th, 1861. Passed the House of Representatives February 6th, 1861. Approved by the Governor February 12th, 1861.

1860.

RESOLUTIONS.

[No. 1.]

RESOLUTION authorizing the Governor and Treasurer to make temporary arrangements to meet the present expenses of the State.

Treasurer may
make arrange-
ments to obtain
funds.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer of this State by and with the approbation of the Governor of this State, is hereby authorized to make such temporary arrangement with any of the banks of this State, or with any other person or corporation as may be necessary, to obtain a sufficient amount of money to meet the expenses of the present General Assembly, and they are hereby authorized to give such guarantees for the payment of the same as they may deem proper; provided that not more than the rate of eight per cent. per annum be paid for the use of said money.

Proviso.

Passed the House of Representatives February 5th, 1861. Passed the Senate February 7th, 1861. Approved by the Governor February 11th, 1861.

[No. 2.]

RESOLUTION relative to the cultivation of Tropical Fruit in this State.

Preamble.

WHEREAS, The introduction in this State of useful tropical exotics, and the cultivation thereof, is calculated to be beneficial to the citizens of Florida: *And whereas,* D. W. F. Bisbee, L. D. Stickney, A. T. Howe, and their associates, are desirous of making an experiment of such cultivation on an extensive scale in the Southern Peninsula of this State; therefore—

Trustees of In.
Im. Fund.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Trustees of the Internal Improvement Fund be requested to encourage the object of said association by the sale of land to them upon such terms as will promote its settlement and cultivation.

Passed the House of Representatives February 14th, 1861. Passed the Senate February 14th, 1861. Approved by the Governor February 14th, 1861.

[No. 3.]

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer of the State is hereby authorized and directed to advance to each member of the General Assembly three dollars per diem for the present session, and ten cents per mile coming from and returning to their homes, and to the Secretary of the Senate and Chief Clerk of the House the sum of five dollars, and to each other officer of the General Assembly the sum of four dollars per diem; also to Messrs. Dyke & Carlisle, and Messrs. Hart & Barefoot, printers of the General Assembly, a sum of money sufficient to cover the amount of work done, to be determined by the rules acted upon by the last General Assembly, and to Messrs. McDougall & Hobby a sum sufficient for stationery, and to A. J. Peeler, thirty dollars for extra clerk service authorized by the House of Representatives.

Treasurer to advance pay to members and officers.

Passed the Senate December 1st, 1860. Passed the House of Representatives December 1st, 1860. Approved by the Governor December 1st, 1860.

[No. 4.]

RESOLUTION authorizing the Governor to purchase Arms, &c.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the stocks of the several States held by the Comptroller and Treasurer for the School and Seminary funds, other than those of this State, together with the stocks held by the Treasurer for the sinking fund, and all money invested belonging to either of the above named funds as well as the unexpended balance of the loan made under the authority of an act of eighteen hundred and fifty-six, and amendments thereto, for the payment of the debts of the State, &c., and the same are hereby placed at the disposal of the Governor for the payment of such portion of the debts of the State as may be indispensably necessary, and for the purchase of arms for the use of the State, and that certificates of the indebtedness of the State to each fund be deposited with the Comptroller to the amount withdrawn, and that said certificates shall be signed by the Governor: *Provided, however,* That the Governor shall not expend more than one hundred thousand

Funds placed at the disposal of the Govern'r.

Paym't of debts of the State and purchase of arms.

Certificate of indebtedness to fund.

Proviso.

See C1350 - 1862/29

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dollars in purchasing arms and munitions of war for the use of the State.

Passed the House of Representatives November 29th, 1860. Passed the Senate December 1st, 1860. Approved by the Governor December 1st, 1860.

[No. 5.]

RESOLUTION for the relief of A. J. Peeler.

Preamble.

WHEREAS, In consequence of the destruction by fire of the Supreme Court Reports for the year 1860, while in the hands of the printer, it became necessary for the Attorney General of the State to be furnished by the Clerk of the Supreme Court with extra copies of the records and opinions of the Supreme Court, to be enabled again to report the decisions of said Supreme Court; therefore—

Comptroller to
allow payment
for extra copies
of records.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller audit and allow to A. J. Peeler, Clerk of the Supreme Court, the same sum for extra copies of records and opinions furnished the Attorney General, as it may appear from accounts approved by said Attorney General and on file in said Comptroller's office, for copies of records and opinions heretofore furnished to said Attorney General for the year eighteen hundred and sixty.

Passed the House of Representatives November 30th, 1860. Passed the Senate November 30th, 1860. Approved by the Governor December 1st, 1860.

[No. 6.]

RESOLUTION for the relief of L. I. Fleming.

Preamble.

WHEREAS, By an act of the General Assembly passed at the regular session, in the year 1859, the Judges of the several Circuit Courts were empowered, in case of vacancy in the office of Solicitor, to appoint Prosecuting Attorneys *ad interim*: And whereas, A vacancy occurred in the Eastern Judicial Circuit in the year 1859, by the resignation of James B. Dawkins, which vacancy was filled by his Honor B. A. Putnam, Judge

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of said Circuit, by the appointment of L. I. Fleming, Esq., who acted as Prosecuting Attorney during the Fall Term of 1859, in the counties of Clay, Orange, Volusia and Brevard, Putnam, Marion and Sumter: *And whereas*, The compensation for such services was taxed by the said Judge at the sum of fifty [50] dollars for each Court in separate certificates, amounting in all to three hundred [300] dollars: *And whereas*, But two of the said certificates amounting to one hundred [100] dollars were paid by the Comptroller, there not being a sufficient amount of the regular Solicitors salary remaining in the Treasury to pay the remaining two hundred [200] dollars due to said Prosecuting Attorney; therefore—

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller be directed to issue his warrant upon the State Treasurer in favor of the said L. I. Fleming, for the sum of two hundred [200] dollars, upon the presentation of the said unpaid certificates.

Comptroller to
issue warrant
for payment of
certificate.

Passed the Senate November 30th, 1860. Passed the House of Representatives January 19th, 1861. Approved by the Governor February 13th, 1861.

[No. 7.]

RESOLUTION in relation to E. Powell and H. Douglass.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor of this State be and he is hereby requested to extend the benefits of the eighth Ordinance (8th) of the Convention of the people of the State of Florida, to Sergeants Edward Powell and Henry Douglass, in the same manner and to the same extent as if they had been citizens of the State of Florida at the date of said ordinance.

Governor to extend
benefits of
8th ordinance of
the Convention.

Passed the Senate February 12th, 1861. Passed the House of Representatives February 13th, 1861. Approved by the Governor February 14th, 1861.

1860.

[No. 8.]

RESOLUTION for the relief of A. L. Woodward.

Preamble.

WHEREAS, The occupation of an office by the Receiver of the late United States monies in the capitol and near the offices of the Register of State and United States lands was a benefit and a source of convenience to the citizens of this State: *And whereas*, All sums of money due by the Register of United States lands to the State of Florida on account of rent of office in the capitol has been remitted; therefore—

Amounts due
by U. S. Receiver
for rent remitted.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That all sums of money due by the Receiver of Public Moneys of the late United States to the State of Florida on account of rent of office in the capitol for the years 1859 and 1860, are hereby remitted in the same manner as the amounts due by the late Register of United States lands were remitted, at a previous session of the General Assembly of this State.

Passed the Senate February 13th, 1861. Passed the House of Representatives February 13th, 1861. Approved by the Governor February 14th, 1861.

[No. 9.]

RESOLUTION in regard to Land Warrants.

Land warrants
issued to citizens
of State may be located
on State lands.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That all persons who hold Land Warrants that were issued to citizens of this State by the late Government of the United States, be and the same are hereby allowed to be located on any lands of this State that said Land Warrants could have been located upon at the time of the secession of Florida from the United States.

Lands acquired
by secession.

Be it further resolved, That the Land Warrants mentioned in this resolution may be located on any lands acquired by this State by the act of secession from the United States.

Passed the Senate February 9th, 1861. Passed the House of Representatives February 9th, 1861. Approved by the Governor February 14th, 1861.

[No. 10.]

RESOLUTION in favor of N. J. McKinnon.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer of this State be and he is hereby authorized to audit and pay the amount now due Neil J. McKinnon, a representative in this Legislature from the County of Walton, such sum as may be due him for mileage and services under the provisions of a Resolution passed at the present session of this Legislature fixing the compensation of members.

Treasurer to pay amou't due for services and per diem.

Passed the House of Representatives January 31st, 1861. Passed the Senate January 31st, 1861. Approved by the Governor February 2d, 1861.

[No. 11.]

JOINT RESOLUTION for the relief of Robert L. Bruce and others.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That Robert L. Bruce is hereby authorized and employed to write up and duly record the journal of proceedings of the Senate for the present session of the General Assembly, for which services he shall be entitled to and receive one hundred dollars.

To record journal of proceedings.

Be it further resolved, That when the aforesaid work is completed, the Comptroller shall audit and the Treasurer pay to said Robert L. Bruce the aforesaid sum.

Payment.

Be it further resolved, That the same officers shall audit, allow and pay A. B. Campbell, Luke Lott, Benjamin Baker, Robert Alexander, Donald Cameron, and William Harris, ten dollars each for their services.

Extra services.

Passed the Senate February 14th, 1861. Passed the House of Representatives February 14th, 1861. Approved by the Governor February 14th, 1861.

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[No. 12.]

RESOLUTION relative to State Librarian.

Secretary of
State to furnish
catalogue.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Secretary of State be requested to furnish to the ninth General Assembly a correct and full catalogue and list of all books in the Executive, Legislative and Judicial Libraries of this State of which he is Librarian, and a memoranda of all books which have been extracted and lost from said Library, and of the general condition and care of said Library.

Passed the House of Representatives February 2nd, 1861. Passed the Senate February 9th, 1861. Approved by the Governor February 13th, 1861.

[No. 13.]

RESOLUTION for the relief of A. B. Noyes and others.

U. S. Receiver
authorized to
pay salary, &c.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That A. L. Woodward, Depositary of the late United States Government at Tallahassee, be and he is hereby authorized to pay a draft of eleven hundred and forty dollars or thereabouts, drawn by the authorities of the so-called United States in favor of A. B. Noyes, for the payment of the salaries of the officers and other expenses of the Collection District of St. Marks.

Passed the Senate February 8th, 1861. Passed the House of Representatives February 8th, 1861. Approved by the Governor February 12th, 1861.

[No. 14.]

RESOLUTION for the relief of Dr. Wm. L. Jones.

U. S. Receiver
authorized to
pay draft for sa-
laries, &c.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That A. L. Woodward, Depositary of the late United States be, and he is hereby authorized to pay a draft for seventy-five dollars (num-

1860.

ber 716) in favor of Dr. Wm. L. Jones, drawn by said late United States Government.

Passed the Senate February 11th, 1861. Passed the House of Representatives February 12th, 1861. Approved by the Governor February 14th, 1861.

[No. 15.]

RESOLUTION relative to the erection of a Monument to Capt. John Parkhill, in the Capitol Square.

WHEREAS, A monument to the late Captain John Parkhill, who was killed in the service of the State, has been procured by the voluntary subscription of his fellow soldiers and citizens; therefore—

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the same be erected in the Capitol square under the supervision of Major General G. W. Parkhill, at a point to be chosen by him.

To be erected in the Capitol square

Passed the Senate January 16th, 1861. Passed the House of Representatives January 16th, 1861. Approved by the Governor January 29th, 1861.

[No. 16.]

WHEREAS, an act approved by the Governor 22d December, 1859, it was by the General Assembly enacted that the line then being run by B. F. Whitner, Jr., on the part of Florida, G. J. Orr, on the part of Georgia, should be, and was thereby recognized and declared to be the permanent boundary line between the States of Georgia and Florida as soon as the same should be permanently marked by said Surveyors: *Provided,* The said line at its eastern terminus did not depart from or miss Ellicott's Mound more than one fourth of a mile or twenty chains: *And whereas,* The said line has been run and marked by said Surveyors on the part of the two States, the Eastern terminus of which so run and marked is within the distance prescribed in the said proviso, therefore,

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the line run and marked by B. F. Whitner, Jr., on the part of Flor-

Boundary line declared.

1860.

Gov'r to make
proclamation.

Proviso.

Governor to for-
ward copy of
resolution.

ida, and G. J. Orr on the part of Georgia, be and the same is hereby declared to be the permanent boundary line between the States of Georgia and Florida, and that the Governor be, and he is hereby requested to issue his proclamation that the said line so run and marked has been and is declared to be the permanent boundary line between the two States: *Provided*, The State of Georgia shall have on its part declared the said line to be the boundary between that State and Florida.

Be it further resolved, That the Governor be requested to forward a copy of these resolutions to the Governor of Georgia with a request that similar steps be taken by Georgia, so that the question of boundary may be finally settled.

Passed the Senate January 29th, 1861. Passed the House of Representatives February 1st, 1861. Approved by the Governor February 8th, 1861.

[No. 17.]

RESOLUTION for the relief of George B. Ellis, late Sheriff of Alachua county.

Preamble.

WHEREAS, George B. Ellis, late Sheriff of the county of Alachua, stands charged on the books of the Comptroller of the State with sundry items, amounting in the aggregate to five hundred and forty (540) dollars, which amounts have never been collected by said Sheriff from the parties defendant, against whom they were charged, from causes entirely beyond the control of said Sheriff, as will appear by certificates accompanying this resolution; therefore—

Comptroller to
audit amount.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts be and he is hereby directed to pass to the credit of George B. Ellis, late Sheriff of Alachua county, the sum of five hundred and forty (540) dollars.

Passed the Senate January 22d, 1861. Passed the House of Representatives February 4th, 1861. Approved by the Governor February 8th, 1861.

[No. 18.]

A RESOLUTION in relation to Military Laws.

1. *Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all defaults and other offences committed under the Militia Act, approved December 22d, 1859, and which are not yet prosecuted under said act, may be enquired into and punished by a proper court martial, organized for that purpose.

Offences not heretofore prosecuted may be punished by Court Martial.

2. *Be it further Resolved*, That all fines collected, or which shall be collected hereafter, for any offences committed against the Militia Laws of this State by any member or members of any volunteer company, shall be received by and enure to the benefit of the volunteer company collecting said fines.

Fines collected by volunteer companies.

3. *Be it further Resolved*, That all acts and parts of acts inconsistent with the foregoing resolution be and the same are hereby repealed.

Repeal.

Passed the Senate February 11th, 1861. Passed the House of Representatives February 13th, 1861. Approved by the Governor February 14th, 1861.

[No. 19.]

RESOLUTION for the benefit of the College of St. Augustine.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the College of St. Augustine be and they are hereby authorized to take possession of and occupy the buildings and inclosures known as the barracks, in said city of St. Augustine, until the same are otherwise disposed of by law.

Authorized to occupy barracks

Passed the Senate February 8th, 1861. Passed the House of Representatives February 11th, 1861. Approved by the Governor February 14th, 1861.

1860.

[No. 20.]

RESOLUTION authorizing the payment of United States Treasury Warrant No. 5,253.

U. S. Depository authorized to pay warrant.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the United States Depositor at Tallahassee be and he is hereby authorized to pay United States Treasury Warrant No. 5,253.

Passed the House of Representatives February 8th, 1861. Passed the Senate February 8th, 1861. Approved by the Governor February 12th, 1861.

[No. 21.]

RESOLUTION concerning the Public Lands of this State.

Trustees of In. Im. Fund requested to reduce price of land.

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That it is respectfully suggested to the Trustees of the Internal Improvement fund, that they adopt a system of management of the Public Lands of the State by which such reduction may be had and made in the price of said lands as may more nearly conform to the value thereof than the present estimated price.

Passed the House of Representatives November 28th, 1860. Passed the Senate January 26th, 1861. Approved by the Governor February 2d, 1861.

[No. 22.]

RESOLUTION for the relief of B. Frisbee and M. J. Murphy.

To be paid per diem and mileage.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller and Treasurer be and they are hereby requested to audit and to pay the account of B. Frisbee, late contestor for the seat of Clay County, in this House, at the rate of per diem and mileage allowed the members of this House, up to the 18th day of January, 1861, and that M. J. Murphy be allowed the same pay for his services in the House up to the same date.

Passed the House of Representatives January 19th, 1861. Passed the Senate January 21st, 1861. Approved by the Governor January 22d, 1861.

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[No. 23.]

RESOLUTION for the relief of John M. Irwin.

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the sum of two hundred and ten dollars (\$210) be and the same is hereby allowed to John M. Irwin for services rendered in surveying the Ocklawaha River, and that the Comptroller of the State is authorized to draw his warrant on the Treasurer for said amount.

Payment for
survey.

Passed the House of Representatives January 28th, 1861. Passed the Senate February 5th, 1861. Approved by the Governor February 12th, 1861.

CONSTITUTIONAL AMENDMENTS.

Adopted by the Ninth and Tenth General Assemblies.

[No. 1.]

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AN ACT to amend the 7th section of the 13th article of the Constitution of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the 7th section of the 13th article of the Constitution of this State be so amended as to read, all liabilities of such Banks shall be payable in specie, and the aggregate of the liabilities and issues of a Bank (exclusive of deposits) shall at no time exceed double the amount of its capital stock paid in.

10th General Assembly. Passed the Senate by the constitutional majority February 4th, 1861. Passed the House of Representatives by the constitutional majority, February 7th, 1861.

[No. 2.]

AN ACT to amend the amended Constitution of the State of Florida in relation to the sessions of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the members of the House of Representatives shall be chosen by the qualified voters, and shall serve for the term of two years from and after the day of the first election under the

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amended Constitution and no longer; and the sessions of the General Assembly shall be annual, and commence on the 3d Monday of November in each year, or at such other times as may be prescribed by law.

SEC. 2. *Be it further enacted*, That the Representatives shall be chosen on the 1st Monday in October in each and every second year from and after the first election under the amended Constitution, or on such other day as may be directed by law.

SEC. 3. *Be it further enacted*, That the Senators shall be chosen by the qualified electors for the term of four years at the same time, in the same manner, and in the same places where they vote for members of the House of Representatives, and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State for two years next preceding his election, and the last year thereof a resident of the district or county for which he shall be chosen, and shall have attained the age of twenty-five years.

SEC. 4. *Be it further enacted*, That the classification of Senators made at the first session of the General Assembly, held in the year 1845, shall continue unchanged, one-half of whom, as nearly as possible, shall be chosen forever hereafter biennially for the term of four years: *Provided, however*, and it is hereby declared, that the term of office of that class of Senators unexpired at the first election under the amended Constitution, shall extend to and expire on the first Monday in October, eighteen hundred and sixty-two.

SEC. 5. *Be it further enacted*, That the first election for Assemblymen under this Constitution shall take place on the first Monday in October, eighteen hundred and sixty, and the first session of the General Assembly under this amended Constitution shall commence on the third Monday in November in the year eighteen hundred and sixty-one.

SEC. 6. *Be it further enacted*, That the sessions of the General Assembly shall not extend over thirty days in duration, unless a constitutional majority of the members shall deem it expedient. No member shall receive pay from the State for his services after the expiration of thirty days continuously from the commencement of the session.

SEC. 7. *Be it further enacted*, That the act entitled an act to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual, be and the same is hereby abrogated and annulled, so far as the same is inconsistent with the provisions of this act.

Tenth General Assembly. Passed the Senate by the Constitutional majority February 4th, 1861. Passed the House of Representatives by the Constitutional majority February 7th, 1861.

INDEX

TO THE

ACTS AND RESOLUTIONS

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